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International Court of Justice

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Official Transcript of the International Military Tribunal in the Matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 30 August 1946, 1000-1700, Lord Justice Lawrence, presiding.

THE PRESIDENT: The Tribunal has had an application from Dr. Steinbauer for permission to put in an affidavit on behalf of the defendant Seyss-Inquart. Have the Prosecution had an opportunity of seeing that affidavit yet, and have they any objection to it?

SIR DAVID MAXWELL FYFE: My Lord, I do not think that all my colleagues have had an opportunity of looking through the affidavit yet. They got it late last night. So if Your Lordship could allow us an hour or two, we would be glad to report later in the day.

THE PRESIDENT: If you would do that, yes.

SIR DAVID MAXWELL FYFE: If Your Lordship please.

DR. LATERNSER: (Defense Counsel for the General Staff and the OKW) Mr. President, I should like to take but a few moments of the High Tribunal's time. On the basis of a letter which I just received last night, I am in a position to prove that a written order was in existence according to which any and all preparations for an actively carried on bacteriological warfare were prohibited.

I have alreadydiscussed this matter with Sir David Maxwell Fyfe. This letter is to be translated, and the matter is to be discussed whether this letter may be admissable as evidence.

I just wanted to make this announcement, Mr. President, so that I shall not be accused of being too late afterwards.

THE PRESIDENT: Dr. Laternser, you mean that the letter will be translated and submitted to the Prosecution, and then they will let us know whether they are prepared to agree to the letter's going in for what it is worth? But it must be done today?

DR. LATERNSER: Yes.

THE PRESIDENT: Very well.

General Telford Taylor.

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Mr. President and Members of the Tribunal:

Under the Indictment, theprosecution seeks a declaration of criminality against six groups or organizations. For purposes of clarity in specifying the charges and marshalling the evidence, this division into six parts is appropriate, since it accurately reflects the formal structure of the Third Reich.

In a deeper sense, however, the Third Reich was not sextuple. It was simpler than that. The Third Reich was a political machine and a military machine. It was embodied in and sought its ends through the Nazi Party and the Armed Forces. Its successes at home and abroad were achieved by these two instruments. The Wehrmacht owed its resurgence largely to the Nazi Party; the Party, in turn, would have been helpless and impotent without the Wehrmacht. As General Reinecke put it, the two pillars of the Third Reich are the Party and the Armed Forces, and each is thrown back on the success or downfall of the other.

Appendix B of the Indictment specifies the leaders and principal instrumentalities of the Party and the Armed Forces. From the Party, the Indictment specifies, for instance, the Corps of Political Leaders, and also the members of the SS, a principal executive arm of the Party. From the Armed Forces, the Indictment specifies the leading generals to use the language of the indictment, who had the principal authority for plans and operations.

The composition of this group of military leaders was described by the prosecution during the case-in-chief, and little more needs be said by way of exposition. The defense has taken the view that these military leaders do not constitute a group within the meaning of the Indictment. The arguments in support of this technical objection are, I believe, insubstantial, but I want to meet them directly and clearly.

A number of the points made by the defense are based either on misunderstanding, or a deliberate misreading of the indictments therein. Thus, several witnesses have told us that the "General Staff" consisted of young officers of relatively junior rank who acted as assistants to the commanders-in-chief. This involves a confusion with what is known to military people

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as the "General Staff Corps" of War Academy graduates. The Indictment does not include these officers and the prosecution made clear at the outset. Insofar as this, or similar testimony, is an attack on the name which the Indictment applies to the military leadership group, this is an utterly insignificant point. There is no stock phrase or word of art in German or English for all the military leaders of the Wehrmacht; the Indictment combines a phrase "General Staff" and "High Command" as most descriptive of the chiefs of the four staffs of OKW, OKN, OKH, AND OKL, all of whom were key figures in military planning, and the commanders-in-chief who directed operations. Together, they adequately comprehend the military leadership.

Several other minor and technical points merit only brief mention. It has been objected that the chart which attached to the affidavits of Halder, Brauchitsch, and Blaskowitz, does not accurately depict the chain of command. That is true; the chart was not intended to show the chain of command, the affidavits to which the Charter is attached says nothing about it, and the prosecution has not suggested anything of the kind. Equally irrelevant, is thequestion of whether Keitel might have been shown in the same box with Hitler, instead of having a box to himself. None of these points about the chart involves the addition or subtraction of a single member of the group, or affects the Indictment's definition of the military leadership. Equally irrelevant is the contention that the list of members of the group includes some generals who held only temporary appointments as commander-in-chief and were never formally designated as such. This might later be relevant in the trial of these individuals, if they can show that they never really had the status and responsibility of a commander-in-chief, but is not important in contemplating the group as a whole.

Several affidavits submitted by the defense point out that a few generals were members of the group for less than six months; that a number of them died or were removed or retired from their positions before the end of the war, and that the younger ones were not generals when the war started. This is all quite natural. We are concerned here with a 7-year period, during most of which therewas a war, which is a hazardous and wearing occupation. During these years some generals died, others failed, still others

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out of favor; new faces appeared as replacements; the great increase in the number of German Army Groups and Armies brought still other officers into the status of commander-in-chief. To the extent that in war the hazards were sharper and the failures more costly in the Wehrmacht than in politics, this turnover may have been correspondingly greater in the Wehrmacht than in the Party. But again, these questions are relevant only on the degree of responsibility of individual members of the group, and not on the responsibility of the group itself.

A special point has been made of the fact thatmany membersof the group did not become such until after 1942. The argument drawn from this circumstance is, I take it, that the generals who joined the group only after 1942 could not have taken part in the planning and launching of aggressive wars. It is ture that by the end of 1942 the Wehrmacht, led by the accused group, had invaded or overrun all or a large part of every neighboring country except Switzerland and Swedon, so that further wars of aggression had become impractical. I suppose that it might be urged with equal, if any, force thatmany Germans joined or rose to high rank in the SS or the Party Leadership group after1942. Certainly the argument ignores that the military leadership group, long after 1942, was a group whose official orders were to murder commandos and commissars and to achieve "pacification" by spreading terror. Many of the atrocities, committed by the German Armed Forces occurred late in the war. Once again, this point has substance only in that individual late-comers, to the group may show in other proceedings that they never learned of, and did not join in the criminal activities. The group itself cannot escape responsibility by pleading that it continued to grow after the Third Reich's capacity to initiate aggressive wars had been exhausted.

The defense tells us thatthe military leaders were not a "group" because they merely occupied official positions without any "unifying element." This is a factual question. Its solution is not advanced by nice linguistic points, such as whether the German word "gruppe" means "Group" or "number". I suppose that "group" means a number of persons chosen because of some likeness. Or as Mr. Justice Jackson put it, the members must have an "identifiable relationship" and a "collective, general purpose." I suppose also that the "likeness" or "relationship" and the purpose must be meaningful

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under the London Agreement.

The generals who held the positions listed in the Indictment constituted the military leadership of the Third Reich. That is their "likeness", their "identifiable relationship", or their "unifying element." Their "collective general purpose" was to build up and train the Wehrmacht, and to make its plans and direct its operations.

The evidence to this effect is, I submit, conclusive and uncontradicted. Leading German generals - Brauchitsch and Halder -- have said in sworn statements that those who held the positions listed in the Indictment had the "actual direction of the Armed Forces" and "were in effect the General Staff and High Command." The technical objections made later by the defense with respect to the chart are quite irrelevant to this essential point.

The testimony of numerous generals, assuming its credibility, that the military leaders did not have any formal organization or any secret advisory council, is quite wide of the mark. The prosecution has not charged this; nor has it charged that the military leaders were a political party, or that they had a set or uniform view on internal political matters.

Nor are we surprised to hear from some defense witnesses that the Germans, like ourselves, found coordination within a single service easier to achieve than coordination between the Army, Navy, and Air Force. The mere existence of OKW is sufficient proof of the importance which the Germans attached to inter-service collaboration, and numerous documents show that constant and detailed planning and discussion between the three services. In any event, it is quite unnecessary to look behind the actual course of events. Surely no one would have suggested in 1941, after witnessing the coordinated use of tanks and Stukas in Africa, and the team-play of all three services during the Norwegian invasion, that the German war effort lacked coordination.

From the standpoint of military planning, we are told by Halder that the most important part of OKW was the operations staff, of which Jodl and Warlimont were the chief and deputy chief respectively. The field commanders, too, participated in planning. We know from Brauchitsch and Blaskowitz that the military plans for the attacks on Poland and other countries were submitted in advance to the commanders-in-chief of army groups

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and armies, so that OKH would have the benefit of their recommendations. Brauchitsch and Blaskowitz have also told us that, during operations, the OKH and the commanders-in-chief of army groups and armies were in continual consultation, and that the commanders-in-chief were repeatedly consulted by Hitler himself. The testimony of General Reinhardt is to the same effect. Contemporary documents clearly show the participation of the field commanders-in-chief in planning for the Polish campaign.

The commanders-in-chief of army groups and armies in occupied territorie had executive power (Vollziehende Gewalt) within the areas under their command. Within those areas, they were supreme, and had the power of life and death over theinhabitants. They had the responsibility for determining such questi ns as whether the commissar and commando orders should be distributed, and if so, how widely and with what instructions.

To summarize, these generals were an aggregation of persons who directed the German Armed Forces, and whose collective purpose was to prepare it for and lead it in military operations. From time to time, when all themembers met together, it was a congregation. The purpose and spirit of the London Agreement clearly bring such a body of men within the scope of Articl e 9 thereof. The Agreement established this Tribunal to try such offenses in the planning and waging of aggressive wars, and violations of the laws and customs of war. The German military leaders are charged, among other things, with developing the plans under which aggressive and illegal wars were initiated, and with directing the Armed Forces in the launching and waging of these wars. They are charged with circulating throughout the Wehrmacht orders directing the murder of certain types of prisoners, and with aiding, abetting, and joining in the murder and ill treatment of the civilian population, all in violation of the laws and customs of war.

The argument of the defense that the military leaders are not a "group" and are therefore immune to a declaration under Article 9, is, we submit, utterly unfounded, and flatly contrary to the plain purposes of the London Agreement. That Agreement cannot be reasonably construed to exclude from the purview of Article 9 the leaders of one of the two chief instrumentalitie of the Third Reich.

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The defense appears to contend thatmembership in this group was not voluntary. I say "appears to", because in one breath, we are told that the generals could not withdraw from the positions they occupied, and in the next that many of them resigned because of disagreements with Hitler.

The question is, I think, a simple one. We are not concerned here with the ordinary German conscript who made up the bulk of the Wehrmacht. We are concerned entirely with professional soldiers, and with the most zealous, ambitious and able German officers in the business. Most of them chose a military career because it was in their blood, as Manstein put it, "they considered the glory of war as something great." They slaved at it and were devoted to their profession, and if they reached thestatus of commander-in-chief, they were like Manstein, proud that an army had been entrusted to them. No one became a German commander-in-chief unless he wanted to.

It is true that, in time of war, a professional soldier cannot resign his commission or his post at his own free will. But this does not turn the professional officers into a conscript or make his status an involuntary one. No one becomes a professional officer without knowing in advance the obligations that will bind him in time of war. The fanatical Nazis who rushed to volunteer for the early Waffen-SS divisions or who voluntarily joined other para-military sections of the Party could not thereafter resign at will, but I have not heard it urged that they were conscripts or involuntary members. The members of the General Staff and High Comand group were keen, professional warriors, who competed with others like themselves for the respnsibilities and honors of being commanders-in-chief. They rose within the Wehrmacht just as an ambitious Party member might rise to be a Kreisleiter or Gauleiter.

In fact, retirement was easier for the Commander-in-chief than anyone else in the Wehrmacht. The junior officer, who protested against what was going on around him, might lose advancement or be moved to a less desirable assignment, or be court martialled and disgraced. He was not given the option of retiring, and he was usually too young to plead illness plausibly. The commanders-in-chief were in a far better position.

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No war officer or War Department wants a field commander-in-chief who is in constant and fundamental disagreement with his instructions. Such a commander-in-chief must be removed. Yet often he has sufficient seniority prestige, and acknowledged ability so that his demotion or disgrace would be embarrassing, and retirement or acceptance of resignation is the best solution for all concerned.

And this is just what happened with some of the commanders-in-chief. The record is replete with testimony by or about commanders-in-chief who openly disagreed with Hitler on tactical matters, and who, as a result of such disagreements, were retired or allowed to resign. I note in

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passing that the record is notably barren of evidence that any commander-in-chief openly disagreed with Hitler so decisively on the issuance of orders which violated the laws of war or who forced his retirement on account of these orders. At all events, it is quite clear that a commander-in-chief who wanted to retire could contrive to do so, whether by pleading illness or by honest, blunt behaviour. If he had the will, there was a way out. It is worth noting that the three Field Marshals who testified before this Tribunal had all found or fallen into the way out, and the record shows that many others were equally successful and that few of them thereafter suffered serious harm on this account.

I pass now to the criminal activities of the group. The prosecution submits that the evidence before the Tribunal conclusively establishes the participation of the General Staff and High Command group in accomplishing the criminal ends of the conspiracy, and in the commission of crimes under all parts of Article 6 of the Charter and under all counts of the Indictment. We also submit that the criminal aims, methods, and activities of the group were of such a nature that the members may properly be charged with knowledge of them, and that, for the most part, they had actual knowledge.

I will speak first of the pre-war period, or more accurately, of the period ending in the spring of 1939, when detailed planning for the attack on Poland got under way. It is worth noting that during this early period, the group defined in the Indictment never exceeded eight in number, and that four are defendants in this trial.

I do not want to spend time retreading much-travelled roads. We know that during these years, the military leaders built up the Wehrmacht and made it into a formidable military machine, which struck terror into neighboring countries and later succeeded in over running most of them. There is not a shred of evidence to contradict the charge that members of the General Staff and High Command group directed the building and assembling of this machine. Some witnesses have testified that the rearmament was for defensive purposes only, but the Wehrmacht's new strength was promptly used to support Hitler's aggressive diplomatic policy. Austria and Czechoslovakia were conquered by

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the Wehrmacht, even though there was no war. The events of 1939 to 1942 and the terrible offensive power of the Wehrmacht are a further and sufficient answer, even without referring to Blomberg's official written statement in June, 1937 that there was no need to fear an attack on Germany from any quarter.

Witnesses for the defense have made much of the fact that the generals had little or no foreknowledge of the absorption of Austria. Many of these witnesses were not at the time members of the group, but the point is, in any event, unhelpful, since the Anschluss was not time in advance by the Germans, but was precitiptated by Schuschnigg's purprise order for a plebiscite. That is why, as Manstein testified, plans for the march into Austria had to be quickly improvised. But the plans were drawn up by Manstein under the supervision of Beck (Chief of the General Staff of the Army and a member of the group), and other members of the group were closely involved in the Anschluss, as were other generals who later became members.

As to the participation of the generals in the Munich crisis and occupation of the Sudetenland, the defense's main point seems to be that Brauchitsche, Beck, and other generals opposed risking a war at that time. The record makes it quite clear that the generals' attitude was not based on any opposition to a diplomatic policy supported by military threats, or on any disagreement with the objective of smashing Czechoslovakia. Rather their attitude was that the Wehrmacht was not as yet (in 1938) strong enough to face a war with major powers. The defendant Jodl expressed it very clearly in his diary, in drawing a contrast between "the Fuehrer's intuition that we must do it this year and the opinion of the Army that we cannot do it as yet, as most certainly the Western powers will interfere and we are not as yet equal to them."

The further contention of the defense that there were no military preparations for the occupation of Czechoslovakia and that the Commander-in-Chief of the Army gave no instructions in this regard, is completely incredible when weighed against contemporary documents of unquestioned authenticity, which

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have long been in evidence before the Tribunal and which the defense cannot and did not attempt to explain away. The military directives and planning memoranda contained in the so-called "Fall Gruen" file demolish any such contention, and fully reveal the extensive preparations being made by the Wehrmacht under the leadership of Keitel, Jodl, Brauchitsch, Halder, and others. Jodl's diary gives us further details about such matters as co-ordination of the air and ground offensives, timing of the D-day order, collaboration with the Hungarian army, and order of battle. It also shows the personal participation of other members of the group and of other generals who later became members. Military preparation for absorption of the remainder of Czechoslovakia is also adequately shown by documents in evidence before the Tribunal.

One other point about this pre-war period should be noted. The military leaders not only participated in the plans; they were delighted with the results. They were afraid of getting into a war before they were adequately prepared, but they wanted a big army and they wanted the strategic and military advantages which Germany derived from Hitler's Austrian and Czechoslovakian successes. That is, in fact, why the Party leaders and the military leaders worked together; that is why the generals supported Hitler; that is why the Third Reich, through the Party and the Wehrmacht, was able to achieve what it did achieve. Leading German generals have told the Tribunal this in so many words. Blomberg tells us that before 1938-1939 the German generals were not opposed to Hitler. Blaskowitz says that all officers in the army welcomed rearmament and therefore had no reason to oppose Hitler. Both of them tell us that Hitler produced the results that all the generals desired.

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The testimony of Blomberg and Blaskowitz is in no way weakened by the statements of various defense witnesses that many army officers disliked some of Hitler's internal policies and distrusted some of the Nazi politicians. It is too much to ask that all partners in crime should like and trust each other. That, in spite of these differences, the Third Reich came so close to imposing its dominion and evil theories on the world, merely emphasizes the deep agreement between the Party and the military leaders on the most essential objectives---national unity and armed might, in order to accomplish territorial aggrandizement. This cannot be doubted, and for confirmation we need only look at the testimony of a witness called by the defense (Colonel General Reinhardt, who was chief of the Army Training Section before the war and later commanded a Panzer Army and an army group on the eastern front). When asked what was the attitude of the officers' corps toward Hitler, he replied:

> "I do not believe there was a single officer who did not back up Hitler in his extraordinary successes. Hitler had led Germany out of its utmost misery, both politically and in its foreign politics, and economically."

So we turn to the war itself. The group of military leaders specified in the Indictment becomes much larger; we are no longer concerned only with the generals in Berlin, but also with the war lords who commanded the Wehrmacht in the field---names far more familiar to and feared by the peoples of the territories overrun by the Germans. Names such as Blaskowitz, von Bock, von Kluge, Kesselring, von Reichenau, Rundstedt, Sperrle, and von Weichs.

What do the generals say in defense of the attack on Poland? Some of their statements, like Manstein's explanation that the Poles might "carelessly" attack Germany, are merely laughable. About the best they can say is that they expected that Poland would give in without a struggle. Were this a defense, its credibility is dubious. Hitler himself had made it clear to the military leaders that it was not a question of Danzig and the Corridor,

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but of living space and increasing the food supply under German exploitation. The generals could have hardly expected the Poles to give themselves up entirely without a struggle, and Hitler had said that there would be war and no repetition of the Czech affair.

But in any event it is no defense that the generals hoped for a "Blumenkreig." The witnesses for the defense have agreed that German demands on Poland were to be enforced by military threats and armed might. There is no evidence that the generals opposed this policy of sheer holdup. In fact, it is clear that they heartily endorsed it, since the Polish corridor was regarded by them as a "desecration" and the regaining from Poland of former German territory as a "point of honor". And it has never been a defense that a robber is surprised by the resistance of his victim, and has to commit murder in order to get the money.

There is no controversy concerning the knowing participation of the members of the General Staff and High Command group in the planning and launching of the attack itself. Brauchitsch has described how the plans were evolved, and then passed to the field commanders-in-chief for their recommendations. We know, both from his own testimony and from contemporary documents, that Blaskowitz, one of the field commanders-in-chief, received the plans for the attack in June and thereafter perfected them in consultation with the army group and OKH. Rundstedt's Chief of Staff received the plans, and there can be no doubt that all the other commanders-in-chief did also. A week before the attack, all the members of the group met at the Obersalzberg for the final briefing.

As the war spread to other countries and eventually over the entire continent of Europe, the Wehrmacht grew and many more army groups, armies, air fleets, and naval commands were created and the membership in the group was correspondingly enlarged. All three branches of the Wehrmacht participated in the invasion of Norway and Denmark, which was an excellent demonstration of

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"combined operations" involving the closest joint planning and coordination between the three services. The documents before the Tribunal show that this operation was a brain child of the German admirals; the proposal originated with Raeder and other naval members of the group and, after Hitler's approval had been obtained the plans were developed at OKW. Numerous members of the group participated in its planning and execution. The testimony of several army commanders that they had no foreknowledge of the attack is not surprisingly a fact since the OKH and the army commanders-in-chief were all fully absorbed at the time in planning the much larger attack on the Low Countries and France. Only a few German divisions were used in Norway and Denmark and, since it was a "combined operation," the plans were developed in OKW, not OKH.

Dr. Laternser's defense of the Norwegian attack on the basis that it was a preventive move to forestall an English invasion of Norway, might have some superficial plausibility if there were any evidence that the Norwegian invasion was improvised to meet an emergency. But it is totally and wantonly incredible in the face of documents which show that the Norwegian invasion had been under discussion since October, 1939, that active planning began in December, that on March 14 Hitler was still hesitant about giving the order for the attack because he was "still looking for some justification," and that all through the weeks preceeding the Norwegian attack there was discussion within the General Staff group as to whether it might not be preferable to initiate the general western offensive against France and the Low Countries before undertaking the Norwegian campaign.

As for the major attack in the west, it appears from the testimony of defense witnesses that Hitler wanted to attack in the fall of 1939 and that Brauchitsch and other generals persuaded him that it should be postponed until the spring of 1940. This postponment indeed shows that the generals had considerable influence with Hitler, but hardly excuses the later attack. When the

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spring of 1940 arrived, according to Manstein, " the offensive in the west from the point of the soldier, was absolutely inevitable." There is no evidence that a single German commander protested against or opposed the flagrant and ruthless violation of the neutrality of the Low Countries.

The explanations of the defense concerning the crimes against peace are labored and implausible, and are in conflict equally with the documents before the Tribunal and with the history of the years in question. Nor is it true that the military leaders were mere puppets without influence on Hitler or the course of events. Naturally there were disagreements not only between Hitler and the Wehrmacht, but within the Wehrmacht itself. If Hitler prevailed at times, so at times did the Wehrmacht, whether it was to postpone the western offensive or to launch the attack on Denmark and Norway. Despite the attempt to make the contrary appear, Hitler was not so stupid as to act without the benefit of military advice. One need only look at Hitler's directive to the military leaders of 12 November 1940, written after the successful conclusion of the western offensive, in which Hitler discusses very tentatively his future plans in France, a possible offensive in Spain, whether Madeira and the Azores should be occupied, what assistance should be given the Italians in North Africa, what to do in Greece and the Balkans, what the future might hold with regard to the Soviet Union, and whether to invade England in the spring of 1941. Hitler concluded:

> "I shall expect the commanders-in-chief to express their opinions of the measures anticipated in this directive. I shall then give orders regarding the method of execution and synchronization of the individual actions."

No, the leaders of the Wehrmacht were not puppets. If the generals owed their opportunity to rebuild the Wehrmacht largely to Hitler and the Nazis, it is very true that Hitler was utterly dependent on the generals for carrying out his plans. Brauchitsch has pointed out that "the carrying out of the orders that were

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given to the army and to the army groups required such a high knowledge of military matters and such ability and psychological understanding that there were only a few people who were actually able to carry out such orders." And it is worth noting that despite the very real and natural friction between the war lords and a former corporal, Hitler never, until July, 1944, turned outside the ranks of the army for his commanders-in-chief. Even during these final desperate months, only four outsiders, Himmler himself and three others from the Waffen-SS achieved the coveted distinction.

Nor was the Wehrmacht that swarmed over the continent of Europe led by reluctant men. These aggressive wars were launched and waged by men who worshipped armed might, and wanted to extend the hegemony of Germany. That is, at bottom, why the Nazis and the Wehrmacht leaders gave the Third Reich its unity. I recall the Tribunal's attention to Admiral Fricke's memorandum of June, 1940:

> "It is too well known to need further mention that Germany's present position in the narrows of the Heligoland Bight and in the Baltic--bordered as it is by a whole series of States and under their influence--is an impossible one for the future of Greater Germany.

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The power of Greater Germany in the strategic areas acquited in this war should result in the existing population of these areas feeling themselves politically, economically and militarily to be completely dependent on Germany. If the following results are achieved -- that expansion is undertaken (on a scale I shall describe later) by means of the military measures for occupation taken during the war, that French powers of resistance (popular unity, mineral resources, industry and Armed Forces) are so broken that a revival must be considered out of the question, that the smaller States such as the Netherlands, Denmark and Norway are forced into a dependence on us which will enable us in any circumstances and at any time easily to occupy these countries again -- then in practice the same, but psychologically much more, will be achieved.

* * * * *

"The solution * * *, therefore, appears to be * * * to crush France, to occupy Belgium, part of North and East France, to allow the Netherlands, Denmark and Norway to exist on the basis indicated above."

In the face of documents such as this one, we have nevertheless heard the generals say over and over again that they were never told about what was going on and heard about events for the first time over the radio. Over and over again they have protested that they never heard about certain things until they were lodged in the jail at Nurnberg. Military figures, like so many others in this case, have not hesitated to put the responsibility for things which they cannot deny or avoid on the shoulders of one or two people whom they seek to portray as peculiar and unrepresentative of the group. The common denominator of these scapegoats is that they are all dead. The dead Reichenau is made to share the blame with the other dead who cannot speak -- Hitler, Himmler, Dr. Rasche and the rest. These defenses are mean and they are utterly incredible. The world will never believe them.

No group of men was more intimately concerned than were the military leaders with what was going on in and around Germany in the years before the war. The military leaders now tell us that they neither knew, nor cared to know, nor ought to have known about these things. If what they say is true,

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then they are utterly unique, for nearly all the world had heard something about these things. One of the most remarkable things about this trial has been that instead of a series of startling revelations, the documents assembled here and the labor devoted to them have served to confirm what was already known or suspected throughout the world many years ago. I cannot suppose that anybody will everysubscribe to the view, which the military leaders have been forced by circumstances to put forward here in order to try and clear themselves from a stain which is far too dark to be effaced.

The crimes against peace in which the General Staff and High Command group participated led inevitably to the war crimes which followed. Without the participation of this group in the crimes against peace, there would not have been any war crimes. It is not a change from one subject to another, but only the inevitable chain of causation, which leads us now to consider the methods by which the Wehrmacht waged the wars it had launched.

We do not, of course, suggest that the hands of every German soldier were plunged into innocent blood, or that the rules of war and the laws of decency were disregarded by every German commander. But we do say that the nature and extent of the atrocities ordered by the leaders of the Wehrmacht and thereafter perpetrated by it in many countries of Europe, reveal and prove a calculated indifference on the part of the military leaders to the commission of crimes.

The uncontested fact is that the Supreme Command of the Wehrmacht, under instructions from Hitler as its commander-in-chief,issued various orders which flagrantly contravened the rules of war. These included the orders for the shooting of commandos and political commissars, the orders to "pacify" the occupied territories of the Soviet Union by spreading terror, and others. The defense does not dispute the issuance of these orders, and it does not and cannot contest their criminality. Rather we are told that the German commanders were honorable soldiers, that they disapproved of these orders, that they tacitly agreed not to execute the orders, and that the orders were not executed.

Let us test this defense against the facts in the case of the commando order. The original order and the other relevant documents are all in evidence. In October, 1942, Hitler ordered that enemy commandos were to be

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slaughtered to the last man; that even if they surrendered, they were nonetheless to be shot immediately, unless interrogation were necessary, in which case they were to be shot thereafter. The order was not a purposeless piece of criminality; allied commando operations were doing serious harm to the German war effort, and Hitler thought this order would act as a deterrent.

The order was issued from the OKW and distributed to all three branches of the service, Army, Navy and Air Force. There is ample evidence that it was widely distributed and well-known within the Wehrmacht. Rundstedt, Supreme Commander in the West, reported on June 23, 1944 that "the treatment of enemy commando groups has so far been carried out" according to the Hitler order. Two years later, under different circumstances, Rundstedt testified that he "evaded" and "sabotaged" the order, and that it was not carried out. But we know from the documents that it was carried out. Pursuant to this order, British and Norwegian commandos were executed in Norway in 1942 and 1943; American commandos were shot in Italy in 1944; allied soldiers were executed in Slovakia in 1945. And, in the nature of things, the order must have been carried out in other instances of which, unhappily, no trace now remains.

In the light of these documents, what remains of the defense? Stated most favorably, merely that because some of the military leaders disapproved the order, it was not executed as often as it might otherwise have been. But this defense is worse than worthless; it is shameful.

We must not forget that to kill a defenseless prisoner-of-war is not only a violation of the rules of war. It is murder. And murder is not the less murder whether there is one victim, or 55 (which is the number of slaughtered commandos shown by the documents), or Ohlendorf's 90,000. Crime has been piled upon crime in this case until we are in danger of losing our sense of proportion. We have heard so much of mass extermination that we are likely to forget that simple murder is a capital offense.

The laws of all civilized nations require that a man go to some lengths to avoid associating himself with murder, whether as an accomplice or accessory or co-conspirator. And these requirements can reasonably be applied to the German military leaders. Before this Tribunal they have made much of their traditions of honor, decency, courage and chivalry.

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Under German military law, a subordinate is liable to punishment for obeying the order of a superior, if the subordinate knows that the order requires the commission of a general or a military crime. The commando order required the commission of murder, and every German officer who handled the order knew that perfectly well.

When Hitler directed the issuance of this order, the leaders of the Wehrmacht knew that it required the commission of murder. The responsibility for handling this question lay squarely on the group defined in the Indictment. The chiefs at OKW, OKH, and OKM had to decide whether to refuse to issue a criminal order or whether to pass it on to the commanders-in-chief in the field. The commanders in field, Army, Navy and Air Force had to decide whether to execute it or refuse and whether to distribute it to their subordinates.

One can imagine that there were many meetings and telephone conversations among various members of the group to discuss this matter. There is no evidence that a single member of the group openly protested or announced his refusal to execute it. The general result was that the order was distributed throughout a large part of the Wehrmacht. This put the subordinate commanders in the same position as their superiors. We are told that some of the generals tacitly agreed not to carry out the order. If so, it was a miserable and worthless compromise. By distributing the order with "secret" or "tacit" understandings, the commanders-in-chief merely spread the responsibility and deprived themselves of any effective control over the situation. A tacit agreement to disobey cannot be so widely circulated. The inevitable result, and the result proved by the documents, was that the order was carried out, and innocent men were murdered.

Because he was responsible for enforcing the commando order, General Dostler was tried, convicted, and shot to death. For the same crime, General Falkenhorst now stands condemned to die. But the responsibility for these murders is shared by Falkenhorst and Dostler with every German Commander-in-chief, at home or in the field, who allowed this order to become the official law of the Wehrmacht and participated in its distribution. On this charge alone, I submit, the General Staff and High Command group is proved to have participated directly, effectively, and knowingly in the commission of war crimes.

On the Eastern Front, the callous indifference of the German war lords to violations of the laws of war and to mass suffering and death produced results

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equally criminal and, because on a grander scale, far more horrible. The atrocities committed by the Wehrmacht and other agencies of the Third Reich in the east were of such staggering enormity that they rather tax the power of comprehension. Why did all these things happen? Analysis will show, I believe, that this was not simply madness and bloodlust. On the contrary, there was both method and purpose. These atrocities occurred as the result of carefully calculated orders and directives, issued prior to or at the time of the attack on the Soviet Union, which form a coherent, logical pattern.

One need not here consider the reasons why Hitler, in the fall of 1940, began to consider seriously making an attack on the Soviet Union. We do not know that beginning in September of 1940, he was constantly discussing this possibility with the military leaders, who had ample opportunity to express their views to him. We know that there was a division of opinion among the generals and admirals. none of them appear to have been much governed by moral scruples, but some thought the attack unnecessary, and others were dubious that a quick victory could be achieved. However, still others agreed with Hitler that the attack should be launched. When Hitler, in consultation with and with the support of part of the military leadership, decided to make the attack, there is no indication that any leading Generals stood out decisively against the decision. and they embarked on the war with the utmost determination to carry it through to a successful conclusion.

Whatever may have been the reasons which prompted the attack, there was one factor which, once the decision had been made, became a vitally important object and purpose of the attack. That was to seize large areas of the Soviet Union and to exploit these areas for the material benefit of Germany. To accomplish this, it was desired to "pacify" and crush all opposition to the occupied territory as rapidly as possible and with a minium expenditure of manpower and material, to obliterate the Soviet political system and set up new, German supported, regional political administrations, and to revise and expand the productive resources of these areas and convert them to the uses of the Third Reich.

THE PRESIDENT: The Tribunal will adjourn.

(Recess was taken.)

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GEN. TAYLOR: Mr. President, at our recess I was describing the program for the exploitation and pacification of the occupied Eastern territories. Hitler had very definite ideas as to how this program should be carried out, and these ideas were partially embodied in the series of directives and orders with which the Tribunal is now familiar. Some of these orders were to be executed directly by the Wehrmacht, some of them by other agencies of the Reich, but in coordination with and supported by the Wehrmacht.

For the rapid and economical "pacification" of occupied territories, after Hitler had consulted Brauchitsch the OKW issued the order of 22 July, 1941, which ordered the commanders-in-chief to establish security, not by sentencing the guilty in courts of law, but by spreading "such terror as is likely, by its mere existence, to crush every will to resist amongst the population." For the same purpose, OKW issued the order of 13 May, 1941, which suspended the use of military courts for punishing offenses by enemy civilians, and directed that the troops themselves should accomplish pacification by "ruthless action", the most extreme methods," and "collective despotic measures" against localities. In furtherance of these abominable policies, it was further ordered that the German troops who committed offenses against Soviet civilians were not to be punished at all, unless punishment were necessary to maintain discipline and security or prevent waste of food or material. Every commissioned officer on the eastern front was to be instructed promptly and emphatically to behave in accordance with these principles. The language of the order was calculated to incite officers and men alike to the most despicable behaviour.
In these two orders we can see the basic composition of this revolting picture. In more detail, Hitler expected particularly bitter opposition to his new Russian policies and regimes from officers and agents of the Soviet government and from all Jews. These elements he decided to exterminate utterly, as they would otherwise remain a constant focal point of resistance within the occupied regions.

In furtherance of these policies of mass murder, the OKW issued the order for the killing of all political commissars who might be captured. This, like the commando order, required the murder of defenseless prisoners-of-war. And in this case the military leaders behaved in precisely the same fashion. Not one commander-in-chief openly protested or openly announced his refusal to execute

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the order. A few commanders may have refused to distribute it down to the troops, but it was distributed and became well-known over the entire eastern front. As in the case of the commando order, we are told that by tacit agreement among the commanders, it was not carried out. The evidence in support of this is that particular commanders or other officers never personally knew of an instance where a captured commissar was shot. We may assume the truth of some of these statements, but it is nonetheless totally incredible, in view of the order's wide distribution, and the deliberate brutalizing of the German soldier by such orders as these and such directives as Reichenau and Manstein issued to their troops, that the commissar order was not carried out in many cases. It must have been.

The campaign of mass extermination was extended from commissars to all Communists by the OKW order of 16 September 1941, which directed that all cases of resistance to the Wehrmacht, no matter what the circumstances, should be attributed to Communists and that "the death penalty for 50-100 communists should generally be regarded as suitable atonement for one German soldier's life."

Terrorization and exploitation of the Russian countryside and extermination of undesired elements could not, obviously, be carried

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out by the Wehrmacht alone. Many other agencies of the Third Reich had an important share in this far-flung, evil program. Among these other agencies, perhaps the most unspeakable were the special task forces of Himmler, known as Einsatzgruppen and Einsatzkommandos. The mission of these units was to assist in "pacification" and pave the way for the new political regime by stamping out opposition, and particularly by slaughtering communists and Jews. We know, both from contomperary documents and from the confession of the leader of one of these units, with what terrible fidelity that mission was performed.

The particular missions of the Einsatzgruppen were assigned by Himmler, but these units could not simply be turned loose in the operational and rear areas of a conquered territory, without administration, supply, communication facilities, and sufficient control by the military to insure that their tasks would be coordinated with, and at least would not obstruct, military operations The defense has made every effort to conceal this plain fact, but any soldier, and indeed anyone who gives the matter thought, must know that it is true.

And this is quite clear from the documents. The OKW Directive for Special Areas of 13 March 1941 provided that Himmler could send these units into operational areas in order to perform "special tasks for the preparation of the political administration, tasks which result from the struggle which has to be carried out between two opposing political systems." But the order carefully specified that the execution of Himmler's tasks should not disturb military operations, and that the units were subject to the supreme authority of the commander-in-chief of the army in the operational area. The billeting and feeding of Himmler's units was to be furnished by the army. It was directed that further detaisl should be arranged between the OKH and Himmler. Brauchitsch has confirmed that subsequently the details were settled at a conferenc between Heydrich and General Wagner of OKH, and Schellenberg, who drafted the agreement, has described its contents.

These infamous gangs of murderers, in short, were fed and housed by the army and would have been helpless without the army's support. The testimony of some of the German generals taht these killings of thousands upon thousands took place without their knowledge would make one smile, were not the truth

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so black and sickening. A military area, even far behind the front, is not a desert where one can wander to and fro unchallenged. It is a veritable maze of rear headquarters, trucking companies, ammunition dumps, supply depots, signal installations, hospitals, gasoline dumps, railway guards, prisoner-of-war stockades, anti-aircraft batteries, airfields, engineers, ordnance units, motor pools--a thousand and one other troops that furnish the base of operations and the line of communications for an army in the field. The smooth functioning of this vast and complicated train is vital to the success of the combat troops. The enemy knows this, and is eager both to disrupt it and to extract intelligence from it through sabotage groups, agents, and partisans. Wherefore the occupying forces guard their installations, patrol the roads and railways, and garrison the centers of population. Travellers, no matter what uniform they wear, are stopped and questioned and asked for identification. These troops in the rear come in close contact with the civilian population, and know what is going on among them. Military police and counter-intelligence troops police the area and report on its condition to higher headquarters.

Furthermore, a commander in the field dislikes to have autonomous units under special orders from home at large in his area. This is particularly true when, as here, the units came as servants of Himmler, whom the German generals say they thought to be their enemy, intent on usurping their powers and functions. The idea that Himmler's extermination squards flitted through Russia, murdering Jews and communists on a large scale, but secretly and unbeknownst to the army, is utterly prposterous-- the desperate sparring of men who have no recourse but to say what is not true.

Let us look again at the pattern as a whole. Most of it was written down in plain German before the attack on Russia was launched. Terrorize the populace, let acts of violence and brutality on the part of German troops go unpunished, kill the commissars, kill 100 communists whenever you can find an excuse, make way for and feed and house Himmler's squads performing "tasks which result from the struggle which has to be carried out between two opposing political systems." And the political system for which the commanders-in-chief were fighting had already been exterminating communists and Jews and boasting about it for years.

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The German generals were bright enough to understand this pattern. In any event, it had been explained to them. The OKW directive suspending the courts martial ended with a directive to the military leaders to inform their legal advisors about the "verbal information in which the political intentions of the High Command were explained to the Commanders-in-Chief." The defendant Rosenberg, at the time of or before the invasion, advised Keitel, Jodl, Warlimont, Brauchitsch, and Raeder about his "political and historical conception of the eastern problem." According to Brauchitsch, Hitler and had explained the "ideological" nature of the war to all the commanders-in-chief in conference at the time the commissar order was issued. The affidavits of Generals Roettiger, Rode, and Heusinger further confirm the obvious conclusion that the whole pattern of "pacification" was well understood throughout the German military leadership.

An army demoralized and brutalized by criminal orders and evil doctrines will behave in a brutal way in circumstances where they have no explicit orders. I have not, for instance, seen a written order that Soviet prisoners who could not march should be shot. I am prepared to believe that some German generals treated prisoners as well as they could, but I also find convincing the complaint of the young German lieutenant that efforts to pacify and exploit the Ukraine were being frustrated because:

> "prisoners were shot when they could not march any more, right in the middle of villages and some of the bigger hamlets, and the corpses were left lying about, and the population saw in these facts what they did not understand and which confirmed the worst distortions of enemy propaganda."

For the same reasons, the anti-partisan warfare was carried out brutally, and with enormous loss of life among innocent civilians. As the divisions of the German army were transferred between the eastern and western fronts, the practices on each front spread to the other. Slaughter at Kherson and Kovno was reflected in massacre at Malmedy and Oradour. The German army had been demoralized by its leaders. I recall to the Tribunal that a high German military judge, as early as 1939, granted "extenuating circumstances" to an SS officer who, without any reason, shot 50 Jews in a Polish synagogue because:

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"as an SS man, particularly sensitive to the sight of Jews, and to the hostile attitude of Jewry to the Germans, he therefore acted quite thoughtlessly in a youthful spirit of adventure."

One must remember the observation before this Tribunal of SS Obergruppen-Fuehrer Bach-Zelewsky, who pointed out that:

"when for years, for decades, the doctrines are preached that the Slavic race is an inferior race and Jews not even human, then such an explosion is inevitable."

The defense of these charges is the same as in the case of the commando order. A mass of affidavits have been submitted by individual commanders-in-chief and subordinate officers in which they express their abhorrence of these orders and profess that they did not execute them. Again we hear of tacit understandings, even in the face of evidence as to the slaughter which the orders caused. It makes one gasp that such a defense can be put forward at all, apparently without shame.

Again I say that the responsibilities lies squarely on the group specified in the indictment. Keitel, Jodl, Brauchitsch, Goering, and

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their colleagues at the center of affairs circulated these malignant orders, the criminality of which a child could see. Kleist, Kluge, Rundstedt, Reichenau, Schobert, Manstein and the other field commanders - in-chief distributed them to their subordinate officers. No secret agreements could forestall the terrible result which followed inevitably.

Is it really too much to ask that the commanders-in-chief should have refused to distribute these orders ? As soldiers they were bound to obey their supreme commander, but their own law and code says that it is the duty of every soldier to refuse to obey order which he knows to be criminal. This is hard for the ordinary soldier acting under pistol-point orders from his lieutenant. It is far less difficult for the commander-in-chief, He is expected to be mature, educated, accustomed to responsibility and disciplined to be steady and unflinching when put to a test. Under their own law and under the traditions they are so shameless as still to vaunt, the leaders were in duty bound to reject these orders. Their failure caused suffering and death to hundreds of thousands; their failure resulted directly in countless murders and other brutal crimes; and they, far more than the soldiers whom these orders led into crime, are the real criminals.

Hitler needed the commanders-in-chief; he needed them desperately and would have been helpless without them. They could have held securely and firmly to the standards which every soldier and, indeed every man, is expected to meet. And it was not, in most cases, fear of Hitler that caused them to betray these standards. They were ready enough to desagree with Hitler on other matters which they regarded as more important. They did not want to risk a breach with Hitler over what they callously regarded as a minor matter. They were intent on " larger " things--the conquest of Europe -- on which they and Hitler were in agreement.

Some of the military leaders, we cannot tell how many, were willing to go much farther and to stand sponsor for Nazi ideology. Reichenau and Manstein lent their names and prestige shamelessly in order to advance these vile doctrines. We cannot capture all

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the orders; we cannot tell how many German commanders-in-chief there are who, like Manstein, unctuously protesting their disapproval of Nazi doctrine, could be confronted with their own nauseating manifestos.

We may assume, for the sake of argument, that many German commanders-in-chief disliked the pattern of orders and doctrines which the evedence here has unfolded. He who touches filth is not excused because he holds his nose. For reasons which appeared to them sufficient, the German military leaders helped to weave this pattern. It is just this calculated indefference to crime which makes their conduct so unspeakable. Those individual commanders-in-Chief, if any, who can show clean hands may come forth and clear themselves. But the military leaders as a group, I submit, are proved beyond doubt to have participated directly, effectively, and knowingly in numerous and wide-spread war crimes and crimes against humanity.

Under Articles 9 and 10 of the London Agreement for the trial of major war criminals, Keitel and Raeder and the other military defendants are on trial not only as individuals but as representatives of the German military leadership. The military defendant committed their crimes as military leaders and hand-in-hand with others. It is in their representative capacity that the military leaders in the dock are truly important.

The evidence against this group is so complete and compelling that their attempts at defense must be desperately and inconsistently contrived. When called to account as a group fort their crimes the famous German General Staff disintegrates, like a child's puzzle thrown on the floor, into 130 separate pieces. We are told that there is nothing there. Called upon to state their views on Hitler, aggressive war, or other unpleasant subject, the pieces reassemble themselves into pattern instantly and magically. With true German discipline, the same words come from every mouth. When the question is the participation of the Wehrmacht in killing Jews, they indignantly deny that their soldiers would do such things. When the question is the enforcement of law and discipli-

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within the Wehrmacht, we are met by affidavits saying that German soldiers who killed Jews were court martialed and shot. Charged with responsibility as a group, they plead immunity on the ground that they could not resign and that their statuts was therefore involuntary. Seeking to establish that they desapproved the policies of Hitler, they boast that many of their number who expressed their opposition were allowed or requested to resign. The inconsistency of their appeal to the soldier's oath of obedience is particularly shameless. Charged with launching aggressive wars against neighboring countries, they plead the oath in their defense. Accused of crimes committed during the war, they take credit to themselves for refusing to obey criminal orders. And so it is represented that the soldier who in time of peace was completely bound by his oath give unquestioning obedience, regardless of consequences, to a perjured head of state, could nevertheless, when his country was at war and obedience supposidly far more necessary, dabble in secret disobedience and thereby shift the blame and responsibility for the murder of commandos and kommissars onto other shoulders.

Let uns look once more at these military leaders whose actions we have just examined. They are a group in more ways than one. They are more than a group; they are a class, almost a caste. They are a course of thought and a way of life. They have distinctive qualities of mind, which have been noted and commented on by the rest of the world for many decades, and which have thir roots in centuries. They have been a histrical force, and are still to be reckoned with. They are proud of it.

To escape the consequences of their actions, these men now deny all this. But in their very denial, the truth is apparent. Ther group spirit and unity of outlook and purpose is so deep that it drops from their lips willy-nilly. Read their testimony; always they refer to themselves as " we " or " we old soldiers", and they are forever stating " our " attitude on this or that subject. Rundstedt's testimony is full of such expressions of the attitude of the German military leaders as a group on a great

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variety of questions. Manstein told us that " we soldiers mistrusted all parties "; " we all considered ourselves the trustees of the unity of Germany "; and " The National Socialist aim of unification was according to our attitude, but not the National Socialist methods. "

What are the characteristics of the German military leaders ? They have been familiar to students of histry for a long time; books have been written by them and about them. They are manifest in the documents and testimony before the Tribunal.

They are careful observers of Germany's internal politics, but their tradition and policy is not to indentify themselves with parties or internal political movements. This is the only true note in the refrain, sung so often at this trial, that " we were soldiers and not politicians." They regard themselves as above politics and politicians. They are concerned only with what they consider to be the deeper, unchanging interests of Germany as a nation. As Manstein put it :

> " We soldiers mistrusted all parties because every party in Germany placed its own interests above the interests of Germany. We all considered ourselves the rustees of the unity of Germany in this respect ... "

The German military leaders are deeply interested in foreign politics and diplomacy. Any intelligent professional officer must be. Training is conducted, equipment is built, and plans are evolved in the light of what is known about the military potential and intentions of other countries. No officiers in the world were more aware of this than the Germans; none studied the international scene as closely or with such cold calculation. It was their mentor, Clausewitz, who described war as an instrument of politics.

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The German military leaders want Germany to be free from political fluctuations, and a government which will mobilize German resources behind the Wehrmacht and inculcate in the German public the spirit and purposes of militarism. This is what Rundstedt meant when he said that: "The National Socialist ideas which were good were usually ideas which were carried over from old Prussian times and we had known already without the National Socialists." That is what Manstein meant by the "unity" of Germany.

The German military leaders believe in war. They regard it as part of a normal, well-rounded life. Manstein told us from the witness box that they "naturally considered the glory of war as something great". The "considered opinion" of OKW in 1938 recited that:

> "Despite all attempts to outlaw it, war is still a law of nature which may be challenged but not eliminated. It serves the survival of the race and state or the assurance of its historical future.
>
> "This high moral purpose gives war its total character and its ethical justification."

These characteristics of the German military leaders are deep and permanent. They have been bad for the world, and bad for Germany too. Their philosophy is so perverse that they regard a lost war, and a defeated and prostate Germany, as a glorious opportunity to start again on the same terrible cycle. Their attitude of mind is nowhere better set forth than in a speech delivered by General Beck before the German War Academy in 1935. The audience of young officers was told that "the hour of death of our old magnificent army" in 1919 "led to the new life of the young Reichswehr", and that the German army returned from the first world war "crowned with the laurels of immortality". Later on they were told that if the military leaders have displayed intelligence and courage, then losing a war "is ennobled by the pride of a glorious fall". In conclusion, they are reminded that Germany is a "military-minded nation" and are exhorted to remember "the duty which they owe to the man who re-created and made strong again the German Wehrmacht".

In 1935, that man was Hitler. In previous years it was other men. The German militarist will join forces with any man or government that offers fair prospect of effective support for military exploits. Men who believe in war

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as a way of life learn nothing from the experience of losing one.

I have painted this picture of the German military leaders not because it is an unfamiliar one, but because it is so familiar that it may be in danger of being overlooked. We must not become preoccupied with the niceties of a chart or details of military organization at the expense of far more important things which are matters of common knowledge. The whole world has long known about and suffered at the hands of the German military leadership. Its qualities and conduct are open and notorious. Is the world now to be told that there is no such group? Is it to hear that the German war-lords cannot be judged because they were a bunch of conscripts? We have had to deal seriously with such arguments only because there are no others.

That the case against the German militarists is clear does not make it the less important. We are at grips here with something big and evil and durable; something that was not born in 1933 or even 1921; something much older than anyone here; something far more important than any individual in the dock; something that is not yet dead and that cannot be killed by a rifle or a hangman's noose.

For nine months this court room has been a world of gas chambers, mountains of corpses, human-skin lampshades, shrunken skulls, freezing experiments, and bank vaults filled with gold teeth. It is vital to the conscience of the world that all the participants in these enormities shall be brought to justice. But these exhibits, gruesome as they are, do not lie at the heart of this case. Little will be accomplished by shaking the poisoned fruit from the tree. It is much harder to dig the tree up by the roots, but only this will, in the long run, do much good.

The tree which bore this fruit is German militarism. Militarism was as much the core of the Nazi party as of the Wehrmacht itself. Militarism is not the profession of arms. Militarism is embodied in the "military-minded nation" whose leaders preach and practice conquest by force of arms, and relish war as something desirable in itself. Militarism inevitably leads to cynical and wicked disregard of the rights of others and of the very elements of civilization. Militarism destroys the moral character of the nation that practices it and, because it can be overthrown only by its own weapons,

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undermines the character of nations that are forced to combat it.

The well-spring of German militarism through the years has been the group of professional military leaders who have become known to the world as the "German General Staff". That is why the exposure and discrediting of this group through the declaration of criminality is far more important than the fate of the uniformed individuals in the box, or of other members of this group as individuals. Keitel and Raeder and Rundstedt and Kesselring and Manstein have shot their bolt. They will not lead the legions of the Wehrmacht again.

What is really at stake now is not the lives of these particular men, but the future influence of the German General Staff within Germany, and, consequently, on the lives of people in all countries. That is why it was declared at Yalta:

> "It is our inflexible purpose to destroy German militarism and Nazism and to insure that Germany will never again be able to disturb the peace of the world. We are determined to disarm and disband all German armed forces; break up for all time the German General Staff that has repeatedly contrived the resurgence of German militarism."

The first steps toward the revival of German militarism have been taken right here in this court room. The German General Staff has had plenty of time to think since the spring of 1945, and it well knows what is at stake here. The German militarists know that their future strength depends on reestablishing the the faith of the German people in their military prowess and in disassociating themselves from the atrocities which they committed in the service of the Third Reich. Why did the Wehrmacht meet with defeat? Hitler interfered too much in military affairs, says Manstein. What about the atrocities? The Wehrmacht committed none. Hitler's criminal orders were discarded and disregarded by the generals. Any atrocities which did occur were committed by other men such as Himmler and other agencies such as the SS. Could not the generals have taken any steps to prevent Germany's engulfment in war and eventual destruction? No; the generals were bound by their oath of obedience to the chief of state. Did not an SS general say that the Field Marshals could have prevented many of the excesses and atrocities? The reactio is one of superiority and scorn: "I think it is impertinent for an SS man to

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make such statements about a Field Marshal", says Rundstedt. The documents and testimony show that these are transparent fabrications. But here, in embryo, are the myths and legends which the German militarists will seek to propagate in the German mind. These lies must be stamped and labelled for what they are now while the proof is fresh.

This is as important within our own countries as it is here in Germany. Militarism has flourished far more widely and obstinately in Germany than elsewhere, but it is a plant which knows no national boundaries; it grows everywhere. It lifts its voice to say that war between East and West, or Left and Right, or White and Yellow is inevitable. It whispers that newly devised weapons are so terrible that they should be hurled now lest some other country use them first. It makes the whole world walk under the shadow of death.

German militarism, if it comes again, will not necessarily reappear under the aegis of Nazism. The German militarists will tie themselves to any man or party that offers expectation of a revival of German armed might. They will calculate deliberately and coldly. They will not be deterred by fanatical ideologies or hideous practices; they will take crime in their stride to reach the goal of German power and terror. We have seen them do it before.

The truth is spread on the record before us, and all we have to do is state the truth plainly. The German militarists joined forces with Hitler and with him created the Third Reich; with him they deliberately made a world in which might was all that mattered; with him they plunged the world into war and spread terror and devastation over the continent of Europe. They dealt a blow at all mankind; a blow so savage and foul that the conscience of the world will reel for years to come. This was not war; it was crime. This was not soldiering; it was savagery. These things need to be said. We cannot here make history over again, but we can see that it is written true.

M. CHAMPTIER DE RIBES: Mr. President, Your Honors:

We have asked you to condemn the responsible leaders of the drama which has bathed the world in blood. Today, when we ask you to declare the criminal organizations which served as instruments for their designs, we are

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seeking from your justice the moral condemnation of an entire, coherent system, which has brought civilization into the gravest danger which it has known since the collapse of the Roman world.

And we attach as much importance to the sentence which we are asking to as to the one which we requested yesterday.

For, if we believe it necessary for the guilty to be punished, we think it no less salutary to remind those who are powerful today, and will be tomorrow, of the dictates of a moral law without which neither Order nor Peace can rule the universe.

Who does not see, in fact, that in the times in which we are living, when the folly of men has used the prodigious progress of science and technic for the work of death, and when, as a philosopher has said, "our civilization has equipped itself for suicide", the problems which confront the world's anguish are above all moral problems?

"Humanity", our great Bergson has said, "groans, half-crushed by the weight of the progress which it has made ... The enlarged body awaits the addition of a soul and the machinery demands a mystical faith."

We know what it is, this mystical faith of which Bergson was thinking. It is that which at the apogee of Gra eco-Roman civilization, at a time when Cato the Elder, the wisest of the wise, was writing in his treatise on politic economy: "One must know the right time to sell one's old oxen and one's old slaves", introduced these two ideas into the world, which were enough to revolutionize it, the idea of personality and that of human brotherhood.

Personality, that is to say, the spiritualized individual, no longer the isolated man, the mere number in the political order, the cog in the economic order, but the entire man, body and soul, soul incarnate, no doubt, but above all a soul for the flowering of which society is made, the social man, who finds his full development only in fraternal communion with his neighbor, the man whose calling confers a dignity upon him which rightfully permits him to escape any attempt at enslavement or monopoly.

It is this mystical faith which in the political order has inspired all the written or traditional consditutions of all civilized nations, ever since Great Britain, the mother of democracies, guaranteed to every free man, by virtue of Magna Charta and the act of Habeas Corpus, that he would be "neither arrested nor imprisoned, except by judgment of his peers rendered by due process of law.

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It is this which inspired the American Declaration of 1776: "We hold these truths to be self-evident, that all men have been endowed by their Creator with certain inalienable rights." It is this which inspired the French declaration of 1791: "The representatives of the French people, appointed by National Assembly, considering that ignorance, forgetfulness, or contempt for the rights of man are the only causes of public misfortunes and the corruption of governments, have resolved to set forth, in a solemn declaration, the natural inalienable and sacred rights of man: Consequently, the National Assembly recognizes and declares, in the presence and under the auspices of the Supreme Being, the following rights of the man and the citizen."

Does not the idea of the eminent dignity of human personality also inspire the constitution of the Union of Soviet Sociaust Republics, which, in its Chapter X, proclaims "the fundamental rights and duties of citizens of the USSR without distinction as to nationality or race?"

Finally, does not the Charter of the United Nations, signed on 26 June, 1945, at San Francisco by 51 nations, begin with this solemn declaration: "We, the Peoples of the United Nations, resolved to preserve future generations from the scourge of war which twice within the span of one human life has inflicted indescribable sufferings on humanity, to proclaim our faith in the fundamental rights of man, in the dignity and value of human personality, in the equality of rights of men and women, as well as of nations, large and small?"

Certain ones among us have been able to secularize this mystical faith as much as they desired. All of us recognize that it is Christianity's chief contribution to the world and that extending its conquests slowly, in the course of centuries, it has laid the foundations of world civilization.

It was against this mystical faith that HITLER, in the midst of the 20th century, attempted a violent reaction, by setting up against it his barbarous ideology of racism, his primitive concep-

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tion of social life, regulated by biological laws alone.

For he not only envisaged establishing Germany's military domination in Europe, he had the ambition to impose his "culture" on the world, which upsets all the moral and intellectual foundations upon which the civilized world has rested ever since the Christian era.

For him the biological laws which regulate animal communities are equally applicable to human communities, and primarily those of natuarl selection and the struggle for existence.

From this point of view there could be no question of the independence of the human personality. Like the ant in the ant-heap, the individual exists only by and for the group. The State is not made for the individual but the individual for the State.

From this point of view there could be no question of pity, no of brothersly love. Christianity, the religion of the degenerate and the diseased, will be replaced by the new religion which recognizes no law except that of the stronger, no duty except of domination.

This animal conception of human life, this "culture," this religion, is not the work of a philosopher who is proposing a new theory in the field of intellectual speculation, it is the work of a realist, who puts it into practice.

In the sphere of internal policy it will order the purging of the German people of the elements which contaminate it, and the improvement of the race of blond Aryans. And the Jews will then b driven out or exterminated. The abnormal, the sick, the weak, wil be eliminated or at least sterilized. Youth, snatched at an early age from its family, will be formed by the State for its mission, which is "to make the world tremble." "I want," said Hitler to Rauschning, "I want to see in its glance the gare which one sees in the eyes of a wild beast." Even so he slanders the wild beast, which kills, doubtless, because it is hungry, because it is afrai or because it is in rut, but which is not acquainted with the sadism of refined tortures.

This conception of life is applied by Hitler to international relations. "A stronger race," he writes in "Mein Kampf," "will drive out the weak races, for the ultimate struggle for life will break through the ridiculous barriers of a pretended individualistic humanity, to make place for humanity according to nature, which annihilates the weak in order to give their places to the strong."

And we know what crimes have been committed in the name of this new religion, how many dead the realization of this pretended doctrine of life has cost: the concentration camps, the gas chambers and the crematory ovens, the inoculations with viruses, the sterilizations, the vivisection practised on prisoners and deportees, the enslavement of peoples who were believed assimilable, and abouve all the met wedical extermination of those who are alleged to be inferior, and in short "genocide"-- all this is the monstruous fruit of the Hitlerite ideology.

M. de Menthon was right in saying that the sin against the spirit is the fundamental vice of National Socialism and the source of all the crimes committed in its name. And did not Louis Vouillot have prophetic gifts, when he wrote in his "Parfum de Rome" in 1871:

"Germany, Germany, to whom heaven had given so much! When then shalt see an enperer's ghost reappear, who will not wield the sword to protect justice and defend the ancient law, but who will call himself the emperer of the people and the sword of the new law; then will be the hour of the great expiation."

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We have shown who were the ones principally guilty of all the crimes of National Socialism. But to realize their diabolical pla of universal domination, not only of territories but of consciences, they needed collaborators inspired with the same mystical faith, formed according to the same disciplines, and this is wh the leaders, the "fuehrers", conceived and realized, little by little, this complicated and coherent system of leadership, coercion and control, which constitutes the entirety of the organizations of the State and of the National Socialist Party.

Executive organizations were necessary, from which emanated, by virtue of the "Fuehrer-Prinzip", general orders and directives and these are the Reich Cabinet and the Leadership Corps of the Nazi Party.

Instruments of propaganda control, police and execution were necessary, the Gestapo, the SA, the SD, and the SS.

Finally, it was necessary for the army to be at the service of Party policy, and this was the work of the General Staff and the High Command, purged of all elements which were insufficiently nazified.

It is possible that the members of these organizations, these groups, or these offices were more or less the fanatics of the regime, and the Tribunal recalls the specious distinction made in the course of Ribbentrop's examination between the "pure Nazis" and those who were only halfway so. All had at least accepted the doctrine and the material advantages which the regime lavished up them. Because certain ones made a mental reservation, are they less contemptible and less guilty?

That all these organizations, these groups or these offices con buted to the work of universal domination by every means, has bee abundantly proven in the course of these proceedings.

Have not the defenders of the organizations constantly interve during the interrogations of the individual defendants, and were not all of these defendants, in various capacities, members of on

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and often several of these organizations , so that the close cooperation between the collective organizations and the men who are now on the defendants bench has been established in an indisputable way?

And so, after these proceedings which have been so thorough, after the addresses of my eminent colleagues of the American and British prosecution staffs, I shall refrain from recalling once more the innumerable atrocities in which the groups or organizations listed in the indictment have participated, by ordering them, by executing them, or by permitting them.

I should only like to reply briefly to two of the arguments to which the defense counsels, and particularly those for the Gestapo, the SD and the High Command, appearrto attach the greatest importance.

It ist possible, they sax at first, that abuses were committe in the heat of the struggle, which had become pitiless, in the course of the war, which had become total, but it was never a question of anything but individual crimes, which might involve the responsibility of the persons who committed them, but not th of the groups which condemned them.

Water-tight compartments, says the defense, in the second place, seperated the various organizations of the Reich. For this reasons the activity of each organization should be examined seperately and this exanination does not reveal a criminal intention or activity in any of them.

First argument: To determine if an organization is criminal it is necessary, says the defense, to examine the essential principles of its structure. There is nothing criminal about thi From that time on, the crimes, if perhaps any have been committe could not have been attributed to the individuals, and does not allow the criminl character of the group as a whole to be infer

Thus the Gestapo, according to the terms of its constitution, is a state police, charged, like all police of civilized states;

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with aiding in the work of justice and protecting the group against individuals who threaten its security. It is possible that it has sometimes received and carried out orders from above, which are not directly relevant to its essential mission of protection, like the mass arrests of Jews, the extermination of Russian prisoners of war, the assassination of recaptured escaped prisoners. But these accidental activities do not fall within its competence as an institution. They do not alter the essential character of the organization, which has nothing criminal about it.

Thus the SD is constitutionally a simple service of information and sounding out of the public opinion, a sort of Gallup poll, of itself harmless.

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It is possible that members of the S.D. have collaborated accidentally in the repressive measures of the Gestapo. It is true that members of the SD have held a Number of high positions and have indulged in a number of questionable activities. but they did not act then as functionaries of the SD and could not compromise the organization, the institutional character of which had nothing criminal about it.

Thus the High Command was charged institutionally only with the defense of the Reich and only with its defense. It does not busy itself with politics and has nothing to do with the police. It is possible that it may have sometimes overstepped its mission. It is true that it obeyed the order to deport those who resisted to an unknown destination, to hand over to the police for extermination the commandos and escaped prisoners, which is against militaery honor, but it acted then as a simple intermediary agent for Hitler's or Himmler's orders. This accidental activity, outside the bounds of its own jurisdiction could not change its essential character, which is not criminal.

Thus the defense always tries to distinguish between the institutional character of the organization which it believes it has shown to be non-criminal, and the practical activity of the group, which, it recognizes could be subject to criticism, a distinction, which could be understood in a democratic regime, when pre-established institutions limit the arbitrary nature of governments, when the autonomy of the individual and the liberty of the citizen are protected from the misuse of power, but which is incomprehensible in the Hitler regime.

Did Best, the police theorician trouble about respecting a principle when he wrote that the means of action of the police are prescribed by the enemy ?

Does the decree of 28 February 1933 trouble about principle, when it allows the all-powerful State to ignore all legal limitations ?

Does Hitler make any distinction between principle and practice, when, at the conference of 23 May 1933 which assemble at the Chancellery the members of the High Command he states: "The principle consisting in avoiding the solution of problems by adaption to circumstances must be banished. Rather must circumstance be adapted to necessities. It is no more a question of justice or injustice, but of the existence or the non-existence of 80 million people".

In reality, under the HITLER regime there are no pre-established institutions, no legality, no limitation to arbitrariness, no possible abuse of power.

There is no other principle than the "Fuehrerprinzip", no other legality than th good pleasure of the chief, the order of whom, from the top to the botton of the ladder, must be executed without any possible dissension.

The concept of a pretended institution which had supposedly presided over the constitution of the collective organizations and given them a certain character, is merely an "a posteriord" construction of the defense counsel's ingenuity". The concrete activity of the collective organizations alone counts, and we have nonstrated that it was criminal.

Moreover, the defense seeks a way to exculpate the collective organizations by the fact that the members of the Gestapo, the SS, or the SD, who have indulged these criminal acts did not perform them in the name of their original organization, but were temporarily detached therefrom.

Is the proof not to the contrary that, in the general organization of the Nation Socialist system, these groups played the role of reserves and proper schools whence the leaders, for their work of domination, drew the executors, perfectly prepared for the criminal deeds entrusted to them ?

And the fact that HITLER often conferred the dignity of honorary membership in one of these organizations on his accomplices , is also proof of the importance which he attached to the testimony of orthodoxy, which was the appurtenance of one or other of these groups.

Thus, according to whichever point of view one takes, the first argument of the defense cannot be maintained.

THE PRESIDENT: M. Champtier de Ribes, I think you can hardly finish your spe before the adjournment; I think perhaps we had better adjourn now.

M. CHAMPTIER DE RIBES: Yes, Sir.

(A recess was taken until 1400 hours).

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AFTERNOON SESSION

(The Tribunal reconvened at 1400 Hours.)

THE PRESIDENT: The Tribunal has had an application from Dr. Stahmer on behalf of the defendant Goering that certain affidavits offered in evidence on behalf of the General Staff and High Command should be considered on behalf of the defendant Goering. The Tribunal, of course, will consider these affidavits on behalf of the defendant Goering as it would consider all the rest of the record.

Yes, M. Champetier de Ribes.

M. CHAMPETIER DE RIBES: Mr. President and gentlemen, the Defense submits a second argument.

The organizations it says, were independent and did not know each other. Some are subject to the State, the others to the Party, while State and Party exert their activity in different domains. Within the organizations themselves watertight partitions divided the various sections that composed them, and which acted quite independently. And, at the risk of sacrificing the worst compromised cells, the defense counsel are trying to clear from responsibility the greater possible number of such supposedly isolated groups.

But this argument is contradicted by all we know of the general organization of the Reich's administrative services. As shown by Mr. Dubost in establishing the personal responsibility of each individual defendant, the close interlocking of the organizations and of the services is beyond discussion.

The National-Socialist State is totalitarian. Its officials as well as its services derive their inspiration from a common ideology, pursue common aims, and unity of action is insured by the penetration of the Party which is the expression of the political will of the People throughout the whole State machine.

In their writings this unification of State and Party is realized by the law of 1 December 1933: " The National - Socialist Party has become the representative of the idea of the German State and is indissolubly bound to the State" (Art. I).

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Public services must cooperate with the services of the Party.

In fact, this interpenetration, this unification of State and Party is realized by the concentration into the same hands of the powers emanating from one and the other.

Hitler is at the same time head of the State, of the Army, and of the Party.

Himmler, chief of the SS, which is subject to the Party, is at the same time head of the Police which is subject to the State.

The Gauleiter, party officials, are also in most cases representative of the State in their capacity of governors of the Reich or Chief Administrators of Prussia.

The Chief of the Chancery of the Party participates in the elaboration of the more important laws and in the nomination of the higher State officials.

The law of 7 April 1933 provides for the purging of State officials suspected of insufficient devotion to the Party, and we know with what brutality this same purge was carried out in the High Command. Thus, in their acts as well as in their writings the inter-dependence of State, Party and Army is realized to the utmost extent, and in the sum total of their activity it is impossible to discern the share of responsibility belonging to the one or to the other. Is it necessary to give examples there of? We gave several examples thereof and fear to weary the attention of the Tribunal.

Will it be sufficient to remind of the close cooperation of the Gestapo, the SD, the SS and the Army in the common elaboration of the general instructions and incarrying out operations against the resistants, reprisals against the civil population and the extermination of the Jews?

Do we not find a convincing proof of it in Hitler's instruction of 30 July 1944 which has frequently been quoted:

"All acts of violence committed by non German civilians in the occupied territories against the Wehrmacht, the SS, and the Police and against the installations which they use,

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must as acts of terror or sabotage, be fought in the following way:

"a) The troops and each individual member of the Wehrmacht, SS and Police must kill then and there the terrorists and saboteurs who are caught in the very act.

"b) Anyone caught later on must be transferred to the nearest local service of the Security Police and the Security Service.

By mentioning three times, side by side, the Wehrmacht, the SS and the Police, does not Hitler underline the close cooperation between these organizations?

Is it necessary to remind once more of Keitel's numerous instructions, Marshal Kesselring's order of 14 January 1944 and General von Erdowski's diary of operations that put the army at the disposal of the Police or the Police at the army's disposal with a view to the savage repression of the actions of the resistants?

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is it necessary to recall to your memory Keitel's orders to the Generals in Command in France, Holland and in Belgium, that the army should be made to participate in the pillaging of art treasures oganized and directed by Rosenberg?

Did not the witness Hoffmann -- quoted by the Gestapo -- declare to the Court on 1 August that the decree "Macht und Nebel" was the outcone of collaboration between the High Command and the Ministry of Justice?

The defense therefore tries vainly to mitigate the responsibilities by dividing them between agencies of the State and of the Party, between the so-called independent organizations.

It is no more successful when it tries to establish that watertight partitions separate, within the same organization, the various sections of which it is composed. For example, whom does it expect to believe that the administrative officials of the SD. (Security Service) and of the Gestapo were ignorant of the magnitude of the deportations since they had to solve the difficult problem of arranging for convoys; or that the offices supplying material could fail to know about the exterminations by chemical processes, as they had to repair the gas vans?

In fact, all the departments of the Gestapo, the SD., the SS and the High Command are jointly responsible for the crimes which were committed in common; again, what holds true for the organizations applies likewise to the Reich Cabinet and the political chiefs, as has been brought out by my most honorable colleagues of the Public Prosecution.

Are those who did the organizing less guilty than those who committed the deeds; has the brain less responsibility than the arm?

We therefore think we have demonstrated the joint culpability of all those organizations which we request you to pronounce as criminal.

Does it mean that our purpose is to obtain from the competent tribunals the most severe verdicts against all members of these organizations?

Certainly not. In requesting of your justice the moral condemnation of the organizations, without which the crimes of National Socialism could not have been perpetrated, we are not asking you to condemn without hearing men

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who, on the contrary, could make their personal defense arguments prevail before the competant tribunals.

If moreover the Charter of your Tribunal does decree that "in every case in which the Tribunal has proclaimed the criminal character of a group or organization ... such criminal character shall be considered as established and can no longer be contested", it does not say anywhere that all members of such groups or organizations will have to be arraigned before competent authorities, and in our opinion only those will have to be prosecuted who, having knowledge of the group or organization's criminal activity, have deliberately joined it, thus participating personally in the crime committed by all collectively.

We think, on the other hand, that in the interest of an undisturbed justice and the hope of universal pacification, the penalties must be made proportionate to the gravity of the offence charged, and that if the most severe penalties are justly attendant upon the crimes of which a member of an organization is found to be personally guilty, mere affiliation, even voluntary to one of these groups should only be punished by penalties involving deprivation of freedom or even by mere deprivation of all or part of the civil or political rights.

And if the Tribunal is of the same opinion there is nothing in the Charter to prevent it from saying so in whatever form it deems most fitting.

Your verdict therefore will not be, as Dr. Steinbauer seemed to fear in his final pleading for Seyss-Inquart, the conclusion of a "trial of the vanquished by the civtor". It will be the solemn and serene manifestation of eternal justice.

In this same final pleading, trying to oppose the words of M. de Menthon to the attitude of one of the most heroic chiefs of the French Resistance, who has since become President of the Goverment of the Republic, Dr. Steinbauer recalled Mr. Georges Bidault's words while visiting severly wounded Germans after the liberation, "Comrades", he said to them, "I wish you a prompt recovery and a happy return to your country".

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The defense counsel of Seyss-Inquart was wrong. There is no contradiction between the words of Francois de Menthon and those of Georges Bidault, and the Frenchmen, as well as, I am sure, all the free citizens of the United Nations will agree to reconcile the necessary

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severity for the culprits with the pity for those who perhaps have only been the victims.

In declaring the collective organizations criminal, in order to allow the competent authorities to punish the guilty and only the guilty, in solemnly recalling to the world that a moral law existed before the arbitrary conduct of men and governments, which imposes itself on public figures as well as private persons, on nations as well as on individuals, and that it is criminal to violate it, your sentence will contribute forcibly to the great work of universal pacification which the representatives of the free peoples undertake in the organization of the United Nations, as at the Peace Conference, in New York as in Paris, "in the great hope of the plain people with upright hearts".

Your Lordship! Your Honors!

We have now come to the final stage of the trial which has been conducted with exceptional care and with the greatest skill. The Prosecution has presented exhaustive proofs for the individual cases of the major war criminals now at the dock. We fully support also the charges against the criminal organizations -- the Government of Fascist Germany, the General Staff and High Command of the German Armed Forces, the Leadership Corps of the German National Socialist Party, the State Secret Police (Gestapo), the Security Detachments of the German National Socialist Party (SS), Security Service (SD) and Detachments of SA.

As it has been established by the legal proceedings Hitlerized Germany was headed by a gang of conspirators, who seized the Government power and the Administration of all Germany.

A group of conspirators of this kind operating in a state with a population of many millions, at the centre of a huge state machinery could not exist without a whole system of subsidiary criminal organizations, connecting the conspirators with the remote districts, the leaders of the thoroughfare with the leaders of the streets and bye streets. Therefore in Hitler's Germany there was a network of organizations assigned with great power: the Leadership Corps of the NSDAP, Gestapo, SS, SD etc., which functioned under the constant and direct leadership of the conspirators.

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The law of 1933 according to which the machinery of the Fascist party was merged in the state machinery of Hitler's Germany, was an open legal recognition of the fact.

To strengthen the union between the governing gang and the organizations, each of the conspirators acted in several capacities and held several offices, representing many persons: Goering for example, as Minister, Commander of the Air Force, plenipotentiary for the four year plan, Reichsleiter, supreme Commander of SA and SS; Hess -- Cabinet Minister, Hitler's deputy for the party, General of SS and SA; Rosenberg -- Reichsleader of the National Socialist party for questions of ideology and foreign policy, as well as Cabinet Minister and Obergruppenfuehrer of SA and SS etc. Just as Goering -- Minister is inseparable from Goering -- Obergruppenfuehrer of SS, so are Gestapo and the other criminal organizations inseparable from the State under Hitler's Germany. It is impossible to imagine Hitler's Germany without libraries, without schools, even without hospitals, but Hitler's Germany without SS and Gestapo could not exist.

Reflecting this political reality the Charter of the International Military Tribunal provides for two kinds of participation in the criminal associations of Hitler: Art. 6 of the Charter refers to participation in the criminal conspiracy, and Art. 9-10 refers to the participation in the criminal organizations. Both of these conceptions are organically and indissolubly connected, for they express in legal terms the correlation and the connection which actually existed in real life between the conspiracy and the organizations in Hitler's Germany.

After having closely connected these two kinds of participation of the Hitlerites in the international crimes, that is, participation in the conspiracy and participation in the organizations, the Charter of the International Military Tribunal had established with full reason different criminal and legal consequences for two kinds of participation.

Participation in the conspiracy, and it's very natural conception precludes by its very nature a very considerable number of persons, and is provided for by the Charter as an independent criminal action.

The question of responsibility for participation in the criminal

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organizations, comprising hundreds of thousands of members on the other hand is differently defined by the Charter. Based entirely upon the principles of law and justice the Charter of the Tribunal leaves it to the competence of the National Tribunals to determine the individual responsibility of the members of the organization which is closely connected with the determination of guilt and of the criminality of a great number of individual persons.

According to Art. 10 of the Charter "if the Tribunal considers one or another organization as criminal, the national courts have a right to prosecute separate individuals for belonging to criminal organizations". Therefore the Tribunal has the right to consider an organization as criminal not for the purpose of punishing this organization as a whole or all of its members but to enable thus the national courts to prosecute individuals for belonging to such organizations as have been declared criminal.

In accordance with the instructions of Art. 10 of the Charter the Tribunals of USSR, USA, Great Britain and France and of 18 states which joined the London Agreement, may certainly condemn, but they have the right also to come to a conclusion, that the defendant is not a member of the organization at all, or belonging to it only formally, was in fact far from it and according to such a conclusion they may acquit him. All these questions as well as related questions were and remained the competence of the national courts. These courts are limited only in one theoretically important respect which is on principle of profound importance: if the International Tribunal considers the organization as criminal, the National Tribunals can neither deny nor even discuss the criminal character of such an organization; here for the first time in legal history the sovereignty of individual countries is limited by the enforcing power of the verdict of the International legal authority -- the Tribunal.

This mentioned delimitation of the competence of the International Tribunal and the National Courts is very essential in order to understand the regulations of the Charter of the Tribunal concerning criminal organizations.

And, indeed, just because the Tribunal will have to decide only the general question concerning the criminality of the organization and not separate questions about the individual responsibility of these various organizations, the Charter does not indicate any particular criterion of the concept "organization" and in this case it does not bind the Tribunal by any formal requirement

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The absence in the Charter of a detail definition of a criminal organization is not, therefore, an omission in the Charter but a theoretical position on principle which follows from the above mentioned fact, namely, consigning the elucidation of the question of facts to the agencies of National Justice. Therefore, attempts to require some kind of factual signs (voluntary membership, mutual information) in order to consider the organization as criminal do not find any support in the Charter but differ from its entire structure. The main and only task presenting itself to the Tribunal is not such investiagions with which national courts deal and will have to deal, but the establishing of one decisive fact; namely; whether by its criminal actions the organization participated in the realization of the plan of Hitler's conspirators.

Complying with this task the Charter established the order of the proceedings for the prosecution of organizations.

In fact the Charter of the Tribunal provides for the decision of the question concerning criminal organizations under the indispensable condition to consider the case of a real representative of this organization sitting in the dock of the defendants. The defendants at this Trial who are now and were at the same time the participants of the conspiracy and the leading members of the organization, in whose reference the Tribunal has to decide the question of considering them as criminal. For this reason, the evidence submitted that has been used for the individual cases of the defendants, is at the same time the fundamental evidence for the organizations which they represent. The documents submitted by the Prosecution have quite clearly proved the organizations mentioned in the Indictment served as constant and direct as instruments for realizing the criminal plots of the conspirators. Thus the legal proceedings have fully and comprehensively proved the criminal character of these organizations, in the court of the present proceedings.

In order to secure the most comprehensive investigation of the cases of organizations the Charter of the Tribunal invited by broadcastings, through the Press and by special announcements the members of the accused organizations to submit their explanations to the Tribunal. The Tribunal is aware of the number of persons kept in concentration camps who wished to avail themselves of this possibility. The formation of an auxiliary commission

made it possible for the Tribunal to interrogate the greatest possible number of members of the organizations who are later to be examined and judged later by the National Courts. Thus as a result of complicated preliminary work the group of witnesses selected by the Defense Counsel appeared before the Tribunal. Not being able to deny the irrefutable force of the documental proofs submitted by the Prosecution, the Defense Counsel decided to summon its own witnesses in contrast to them.

Your Honors, we remember these witnesses and their testimonies. If more evidence is required to prove that falsehood is a constant and invariable companion of crime among the Hitlerites, the false testimonies of Kaufman, Sievers, Manstein, Reinecke, Bosta and others can serve as convincing illustrations. These "witnesses" in their effort to whitewash the criminal organizations, of which they were the leading members, reached absurdity. SS and the Gestapo are found to be a society of the elect, a club of noble men, order of Knights. It is not without reason that the Counsel for the defense included Rosenberg among the Knights. All of them sparkle with moral purity and all of them are filled with pity towards their neighbours. The Obergruppenfuehrer of professional henchmen of SS worked to save Jews from the pogroms while General Brauchitsch was a zealous pacifist. It is instructive that all the organizations without any exception, which are considered as criminal by the Indictment, are pure and immaculate according to the testimonies of the witnesses. Who then murdered the 12 million peaceful citizens? Who tortured the prisoners of war and deported millions of people for slave labour in Germany from the occupied territories? No defendants are to be found!

Lies, cynical, blasphemous lies of people whose conscience did not hesitate before murder, whose honor did not keep them from perjury, do not deserve to be refuted.

While examining the case concerning the criminal organizations the Prosecution submitted supplementary striking documents testifying to new atrocities of the criminal organizations of the Hitlerites.

Facts, irrefutable facts have been established. The inflexible will of the law is clear. The time has come to draw conclusions.

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At the congress of the Nazi Party in 1934 Hitler declared: "It is not the state that has created us, but we have created the state. It is possible that we are considered by some as a party - by others as an organization, by others as something else, but in reality we are what we are."

The present trial gives a comprehensive and exact answer to the question of who the Hitlerites were. The Fuehrer at the head of a criminal gang of conspirators, appearing in different roles and nominations (Ministers, Gauleiters, Obergruppenfuehrers, etc.) surrounded by a network of criminal organizations created by him, who had seized in their grip millions of German citizens - this was the outline of the political structure of Hitler's Germany.

The acknowledgment of the criminality of the organizations mentioned in the Indictment, as well as the acknowledgment of the existenceof the conspiracy, are therefore thenecessary conditions for the triumph of Justice, the triumph longed for by all freedom loving nations.

With regard to the separate organizations which were necessarily considered as criminal by the Prosecution, I find it necessary to mention the following in addition to the convincing arguments expressed by my honorable colleagues:

In Count I paragraph 4, art. "A" of the Indictment, entitled "Nazi Party as the central core of the common plan or conspiracy," it says:

> "In 1921 Adolf Hitler became the supreme leader or Fuehrer of the Nationalsozialistische Deutsche Arbeiterpartei (National Socialist German Workers Party), known as the Nazi Party, which was founded in Germany in 1920. The Nazi Party, together with certain of its organizations, became the instrument of cohesion among the defendants and their co-conspirators and an instrument for the carrying out of the aims and purposes of their conspiracy."

The legal investigation has fully confirmed this conclusion.

The numerous crimes of Hitler's clique were inspired and directed by theNazi Party - the motive power of the Fascistconspiracy.

Many of the defendants and the so-called witnesses of the Defense said that they werenationalists, who had protected Germany from other countries attempting her existence. This is evident falsehood. Only impostors can

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assert that Austria, Czechoslovakia, Poland, Norway, Denmark, Belgium, Holland, Yugoslavia, the Soviet Union and other free loving countries made attempts against the integrity and independence of Germany. In reality the German Fascists are not nationalists but imperialists whose main and decisive purpose was theseizure of foreign land in order to secure the expansion of militant German capitalism. They shamelessly called themselves socialists. Only insolent demagogues can assert that German Fascists, who have eliminated all the democratic freedom of the people substituting it by concentration camps, who have introduced slave labor at works and factories and restored serfdom in the villages of Germany and in the countries occupied by them - are defenders of the interests of the workers and peasants.

And if these imperialists and reactionaries disguised themselves in the garments of "nationalists" and "socialists", they did it exclusively to deceive the nation.

The very program of the Nazi Party contained the principles of the plan for domination, seizure of foreign territories and the principles of human hatred.

In one of the annuals of NSDAP, published under the direction of Ley it was said:

> "The program - is the political funndation of NSDAP and, consequently, the fundamental political law of the state. All legal principles should be applied in the spirit of the party program. After seizing power the Fuehrer managed to realize the fundamental parts of the party program beginning with the basic principles up to the details."

Hitler's party is inseparable from Hitler's government, from the SS, Gestapo and other criminal organizations of Hitler's regime, as the Nazi leaders in the dock are inseparable from the henchmen of Auschwitz and Majdanek, Baby-Yar and Treblinka.

> "What I have achieved," said Hitler, "is known to the party thanks to which I became great and which was in turn glorified by me."

And indeed; Soon after the Hitlerites seized power the decree of 14 VII 1933 forbade the creation of any other political parties besides the

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the Nazi Party. The NSDAP became the only political party in Germany. A little later on 1. XII 1933 the law was issued "Concerning the unity of the party and state", in which it was mentioned:

"After the victory of the national socialist revolution, the NSDAP is the bearer of German Statesmenship and is insolubly connected with the state.

"To ensure close collaboration of the party organizations with the offices of the state, the deputy Fuehrer is appointed member of the Government of the Reich."

Paragr. 3 of this law proclaimed the members of NSDAP and the shock detachments (including the organizations subordinated to them) as "the leaders and motive power of the national socialist government."

The law of 1.XII 1933 wasthe fundamental measure, which provided the leaders of the criminal Nazi Party with full political power in Germany, as this law established the Nazi Party as the embodiment of the state.

In order to attract the masses of the population to the Fascist regime, the Hitlerites introduced the most shameless social bribery besides speculating upon the national feelings and the unheard of social demagogy. Major organizations were created: The Union of Hitler's Youth, "Labor Front", SA men, SS men etc. Numerous members of these organizations were connected with the Fascist regime not only through various privileges and material advantages, but also by mutual responsibility for committing common crimes. The overwhelming machine of terror with its ramified network of detection, provocation, perfidy, concentration camps, summary justice operated against all discontented with the regime.

The system of combining the leading posts of the Nazi Party with the leading posts of the terroristic organizations - SS, SD, Gestapo, - and of the government, promoted the realization of the plans of the Fascist conspirators, relieved the realization of the plans of subordination and control over the German nation and German State.

The Reichsfuehrer SS Himmler - was simultaneously Reichsleiter of NSDAP.

The Minister of Foreign Affairs, Ribbentrop - was General of SS, and the deputy Fuehrer Hess was simultaneously - Reichsminister.

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The president of the Secret Council Neurath was General of SS, and one of the leaders of Gestapo -- Best was Kreisleiter of the Nazi party etc.

After having secured, with the assistance of the party full control over Germany, Hitler's conspirators began the realizations of their aggressive plans. In his speech at the Reichstag on 20th February 1938, Hitler said:

"The greatest guarantee of the National Socialist revolution consists in complete external, as well as internal domination, of the National Socialist Party over Germany, and over all offices and organizations of Germany . . . All Offices are under control of the supreme political leadership."

I have already mentioned in my final statement that the Party turned under the leadership of Bormann into political organization, which was in close interaction with the German secret police and SS; that the entire party machinery was drawn in for the realization of the aggressive plans of the leaders of Hitlerite Germany; that the party machinery took an active part in the measures of the German military and civil authorities for the inhuman allocation of prisoners of war and the population of the territories occupied by the Germans deported for slavery.

When we speak here at the trial about Goebbels' lies, Himmler's terror and Ribbentrop's perfidy -- this refers fully to the Nazi party. When the Prosecution submitted proofs of the criminal activity of Goering and Hess, Rosenberg and Streicher, von Schirach and Frank, Speer and Sauckel, these were simultaneous proofs of charges against the Party, at the head of which were the defendants. These proofs were quite sufficient to consider the entire Nazi party as a criminal organization, as it is understood in Art. 9 of the Charter of the International Military Tribunal. However, the Prosecution does not put the question of the responsibility of the rank and file members of the party, many of whom became the victims of their confidence.

In full conformity with the Indictment, we raise the question of declaring it as a criminal organization, only as far as it concerns the Leadership Corps of the Nazi Party, which was the brain, the backbone and the impelling power of the party, without which the Hitlerite conspirators could not be able to carry out their criminal plans.

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The Leadership Corps was a special selected group, within the very Nazi party, and as such was endowed with extraordinary prerogatives. Political Leaders were organized according to principles of leadership, which was applied not only to Hitler, but to the entire Leadership Corps.

"The basis of the party organization is the principle of leadership" -- is written in the charter of the Nazi Party.

Each political leader was sworn in. According to the party charter the wording of the oath was as follows:

"I pledge eternal allegiance to Adolf Hitler: I pledge unconditional obedience to him and to the leaders appointed by him."

All political leaders were appointed by a special selection. The only difference was, that some of them, as Reichsleiters, Gauleiters and Kreisleiters, were appointed by Hitler himself, and the others by department and division Chiefs in Gau and Kreis, as well as Ortsgruppenleiters -- by Gauleiters. Such political leaders as Block and Cell leaders were appointed by Kreisleiters.

Many of these Reichs and Gauleiters have passed by here before Your Honor. In the defendant's dock are Reichsleiters Rosenberg, Schirach, Frick, together with the missing Reichsleiters Bormann, Himmler, Ley and Goebbels they represented the leading group of the Nazi party and they were leaders of the fascist conspiracy as well.

Here is Gauleiter of Franconia -- Streicher. There is slave trader Sauckel -- Gauleiter of Thuringia. You have heard of the Erich Koch's honchman activity in Ukraine. Erich Koch was a Gauleiter too.

The Gauleiter of Lower Styria, Ueberreither, carried out the mass shooting and executions in Yugoslavia. I will quote some short extracts concerning his activity:

"20/6/1942. Within the reporting period in the district of Celje, 105 people were shot and 362 arrested . . . The chief of the security police will empty the prison in two weeks' time. A part of the imprisoned people will be transferred to other prisons and the other -- shot. Thus we shall prepare enough room for the next large scale action."

"30/6/1942. 67 persons were shot in Celje. Among them 6 women" etc.

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Gauleiter Wagner terrorized people in Alsace, Gauleiter Terboven --- in Norway. Gauleiter Bohle, leader of the organization of the NSDAP abroad, set up and directed a widely ramified terroristic net-work for espionage and diversionist activities abroad and created the so-called "fifth columns" in different countries.

According to the decree of the 1/9/1939 sixteen Gauleiters were appointed Reichs Plenipotentiaries for the Defense of the Reich. Later, in connection with the necessity of the utilization of the military resources, the Gauleiters carried out even more and more important tasks.

Each district was proclaimed as Reichs defense area, and Gauleiters became commissars of these areas. According to the decree of the Cabinet's Council of 16/11/1942, it was ascertained that "in war time, Gauleiters are charged with extraordinary tasks". During the war, Gauleiters had carried out the tasks of billeting; they were charged with the important military functions, and all branches of German war economy were coordinated by them.

At the end of the war the Gauleiters were the Commander of the Volkssturm in appropriate areas.

We should remember that when in March, 1945, Speer was appointed Hitler's plenipotentiary for the total destruction of industrial objectives, railways and other means of communications --- he sent his telegraph-order to Gauleiters, for they had personally directed the carrying out of destructions of the important objectives on the spot.

And now, after all has been done, the Defense is trying to present Hitler's party as a kind of welfare society, and its leaders as lady patroness it is trying to embroil a quite clear matter with a heap of written documentary evidence collected in various prisons and camps where the arrested fascists have been kept.

Counsel for the Defense, Servatius, understands that the probative value of this mass of written evidence is highly dubious, and he resorts to the last argument, stating that: "Counsel for the Defense was unable to visit the camps in Austria, no claims having been received from the Soviet Zone". But did the testimony of the witnesses for the Defense become more convincing in consequenc Does the fact that Servatius did not visit Austria change the situation in the

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very least? Servatius was given unlimited possibilities for visiting the camps in the Soviet Zone of occupation. He visited certain camps. He knew that the right of the members of the organizations to submit declarations, and to make statements before the Tribunal, had been repeatedly announced in the newspapers published in the Soviet Zone and broadcast by radio. Servatius knew all this, but nevertheless he still endeavoured to deceive the Tribunal. He attempted to do this in other cases as well.

When Servatius refers to Hess' directive of the 27 July, 1935, in order to confirm the fact that the Corps of the Political Leaders never existed, and that allegedly the title of "Political Leader" was not an official one -- he passes over in silence that it was indicated, in this very same directive, that "it stands to reason that the term 'Political Leaders' remains in use".

Servatius artificially increases the number of the leading staff of the NSDAP to 2,100,000, persons, in order demagogically to impute to the Prosecution, a tendency to punish millions of Germans. At the same time, and in order to shelter outstanding fascist leaders from all legal responsibil he, without any proof whatsoever, affirms that, of the workers of the Gauleit organizations, only 140,000 were "honorary workers".

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The ill-famed fascist, Kaufmann, summoned by the Defense to the witness stand, being member of the Nazi Partysince 1921, and Gauleiter for 20 years, - did not know anythingabout crimes of Hitlerite conspirators He was a "socialist", and was taking care only of the welfare of the population.

Another defense witness, Hans Beckscheider, being an Ortsgruppenleiter, for a period of 12 years, went even further in his testimonies. He declared that during these 12years, he did not get enough time to read even "Mein Kampf".

A third witness, Meier Wendeborn, a Kreisleiter since 1934, surpassed even Kaufmann by trying to hlep his accomplices. When the latter gave an affirmative answer to the question: "Were Block - and Zellenleiters a kind of political leaders?"- Meier Wendeborn answered to the question in the negative.

It would be very easy, by some more examples, to prove the inconsistenc of the defense standpoint, but I consider it useless to enter into a discussion with the Defense summoning such witnesses as Kaufmann, Wendeborn and similar.

Among the politicical leaders of Hitlerite Germany (this title was legdized by Hess' decree of 27/7/1935, as shown in the defense document #12) there was within the party hierarchy a separate group of so-called "Hoheitstraeger" (bearers of soveraignty) which occupied a special position. Together with the Gauleiters and Kreisleiters, the group of "Hoheitstraeger" included the Ortsgruppenleiters, Zellenleiters and Blockleiters also.

The special character of political leaders called "Hoheitstraeger" is described in the Party Manual of NSDAP, andin the periodical called "Der Hoheitstraeger" which was strictly confidential to everybody except a certain group of the Leadership Corps of the Party SS and SA.

From the contents of this periodical, it is quite evident that the Leadership Corps of the Nazi Party, paid continual attention to the measures and doctrines, carried out as the fascist conspiracy was being realized. In 1937/38, the following problems were treated in the mentioned periodical;

The slanderous anti-semitic articles, among them some by the well-known Ley, the attacks on the church, the substantiated necessity of increasing

the Lebensraum and seizing colonies; the motorization of the armed forces; the utilization of the Nazi Party cells and blocks to gain favourable vote for the Hitlerites in the plebiscite; the cult of leadership race-theory etc.

These problems were treated in each copy of the periodical. And even after this evidence, the Defense is trying to assert that the Leadership Corps of the Nazi Party was not acquainted with the plans of the Hitlerite conspirators.

The Nazis are trying now to disavow the comprising connections they had with Gestapo and SD, but these connections are indisputable.

As early as on the 26.VI, 1935, Bormann had issued an order which reads:

> "In order to effect a closer contant between the Party offices and its organizations with the Directors of the Secret State Police, the Deputy Fuehrer requests the Directors of the Gestapo to be invited to attend all of the larger official rallies of the Party and its organizations."

In another regulation issued on the 14.2. 1935, and signed by Bormann too, it was stated:

> "Because the work of the Party, is primarily benefited by the work of the SD, it is inadmissible that its expansion be upset by prejudiced attacks when individuals fail. On the contrary, it must be wholeheartedly assisted."

The Tribunal disposes of numerous proofs of the heavist crimes in which the entire Leadership Corps of the Nazi party participated from Reichsleiter to Blockleiter included. I will mention here only a few of them.

While carrying out the plans of Hitlerite conspirators for the enslavement of the Yugoslav people, the Kreisleiter of the Pettau district, helped by Ortsgruppenleiter and Blockleiter, destroyed all inscriptions, posters, and announcements written in the Slovene language. This fascist ruler went even so far as to order the Gruppenleiter "to take care that all Slovene inscriptions on the saint images (icons), chapels and churches should be immediately and completely removed."

In the letter of 13.11. 1944, addressed to all Reichsleiters, Gauleiters and Kreisleiters, Bormann notified them of the agreement concluded with the

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OKW concerning the "cooperation of the Party in the commitment of prisoners of war. Therefore, the officers assigned to the prisoners of war system have been instructed to cooperate most closely with the bearers of sovereign the commandants of the prisoner of war camps have to detail immediately liais officers to the Kreisleiter."

What were the results of this cooperation and in which way prisoners of war were utilized in Germany - is well known.

In Goering's decree of 27/3/1942, issued in connection with the appointment of Sauckel Plenipotentiary General for the Labor Commitment, was stated that Sauckel is authorized to issue orders" .... to the party officials, party agencies and its adjoining organizations."

And Sauckel did take advantage of this authorization. As he wrote in his "programme issued for the Fuehrer's birthday", he " with the Fuehrer's and Reichsmarshal's consent, as well as with the consent of the Head of the Party Office" appointed all Gauleiters of the German Reich his plenipotentiaries. Sauckel's decree formulated the Gauleiters' tasks as follows:

> To secure the uninterrupted interaction of all state, party, military and economic authorities in order to attain the greatest effect in the field of allocation of labor."

On 25/9/1944, Himmler issued a top-secret directive concerning "the strengthening of discipline and efficiency of foreign workers." In this directive, Himmler warned " ... the party leaders in all enterprises to observe closely the frame of mind of the foreign workers. For this purpose the close cooperation of the party, state and economic authorities with the Gestapo is of the greatest importance.."

Further on, in this directive it was stated that all members of the NSDAP working in enterprises, subject to instructions given them by the Kreisleiter and through the Ortsgruppenleiter are obliged "most carefully to watch the foreign workers and notify, by all means, theparty leader in the enterprise about the informationreceived in order to communicate such to "Abwehr" officials," Where there was no permanent official of the Abwehr, the information was delivered to the Ortsgruppenleiter.

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Himmler's directive prescribed, that "in the interest of the unified politic leadership, the Abwehr officials should coordinate their work with the Gestap leaders, who, in the case of need, are to be summoned by the Kreisleiter."

That is exactly what was meant by "political leadership" of Kreisleiters and Ortsgruppenleiters. Similar espionage functions were carried out by Blockleiters, too, and this was clearly indicated in the "Organizati Book of the NSDAP" (the Party Manual).

> "A Blockleiter should expose all persons spreading pernicious rumours and report them to the Ortsgruppenleiter, in order that the latter could report them through official channels to the stat authorities."

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A Blockleiter had the task "to propagate the nationa-socialistic ideolog, among members of the Socialist Party and the population entrusted to him". He recruited members into the organizations of Hitler Youth, SA, SS, DAF (German Labor Front), that is he secured the attendance of the party rallies, the participation in demonstrations, etc.

"A Blockleiter has to carry out a continual national-socialistic propaganda."

What kind of Nazi propaganda it was -- we all know very well.

"We want arms again, -- wrote Hitler. Therefore, all disposable means - starting from the child's abc-book and up to the latest news-paper, every theater, and cinema, every sign-post and signboard should be put in to the service of this great mission."

Not every German knew these words of Hitler, but everyone knew the Blockleiter of his Block, and this man was continuously spreading the fascist contagion, poisoning the people's mids, thus assisting in the realization of of the general plans of the Hitlerite conspirators.

Blockleiters appeared as small Fuehrers but even they were endowed with very positive powers over the population, living in the regions entrusted to them.

Certainly the Blockleiters did not work out the plans of aggressive wars but they did contribute very much to the realization of these plans.

They formed too, a very important part of the Nazi Party which was the centre of the fascist conspiracy.

That is why we insist on proclaiming the group of the Political Leaders of the Nazi Party as a criminal organization, together with all big and little Fuehrers, Reichsleiters, Gauleiters, Kreisleiters, Ortsgruppenleiters, Zellenleiters, and Blockleiters, -- that is to say the whole Leadership Corps of the monstrous machinery of fascist dictatorship.

Among other criminal organizations created by German fascism, special attention should be paid to the so-called "Schutzstaffel" of the Hitlerite party, abbreviated into the"SS".

The heaviest crimes of German fascism are connected with the title of

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"SS"; mass murder carried out in concentration camps, merciless butchery of the civilian population and of the prisoners of war, fanatical large scale massacres.

Generally speaking, the "SS" men were supposed to carry out the plans of genocide of Hitler and his clique.

The Reichsfuehrer "SS" Himmler often called "SS" the "Black Corps". "Das Schwarze Korps" - "Black Corps" was also the title of the official "SS" newspaper, the organ "of the Reichsfuehrer of the SS."

It was not a name picked up at random. The whole system applied by "SS" starting from the so-called "Allegemeine SS", that is the "General SS" and up to the Camp Guards and SS Armed Forces was actually built up as a special "Corps" of criminals convinced of their own impunity, and purposely trained and educated in the sense of the most cruel and inhuman "theories" of the Hitlerites. The chief fascist conspirators needed the mass cadres for carrying out the murder of millions of enslaved people, for the seizure of territories and the realization of the so-called program of "Germanization". All these tasks were carried out by the "SS" men.

The "SS" organization was created and became famous as the pretorian guard of Hitler, the organization of pogrom-makers and murderers. During the whole period of its existence, it remained the same,

Among other evidence presented by the Soviet prosecution, there was a newspaper of "Das Schwarze Korps" issued on 20 August 1942 with the leading article published in it entitled "Should we germanize?".

The contents of this article representing the Nazi ideas of Himmler, are of such importance for a correct illustration of the "SS" substance, that I am going to quote a small extract:

"... The following slogan has been given by the Reichsfuehrer SS: "It is our task, not to Germanize the East in the old sense, that is, to teach the people living there the German language and German Laws, but to see to it that only people with the German, that is, Germanic blood, should live in the East."

This article was published for the information of the "SS" men at a time when criminal German fascism was still sure of its victory and had already

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started to carry out the extermination of millions of people.

At the conference of Gruppenfuehrers, held in Poznan on the 4 October 1943, making a speech concerning the extermination of European Jews, the creator of SS, Himmler stated as follows:

"Among ourselves it should be mentioned quite frankly, and yet we will never speak of it publicly. Just as we did not hesitate on June 30th ,1934, to do the duty we were bidden, and stand comrades who had lapsed, up against the wall and shoot them, so we have never spoken about it and will never speak of it... I mean here the clearing out of the Jews, the extermination of the Jewish race. It's one of those things it is easy to talk about -- "The Jewish race is being exterminated", says every party member, "that's quite clear, it's in our program -- elimination of the Jews, and we're doing it, exterminating them" ... Most of you know what it means when 100 corpses are lying side by side, or 500 or 1000... Altogether however, we can say, that we have fulfilled this most difficult duty for the love of our people. And our spirit, our soul, our character has not suffered injury from it".

I do not want to dwell upon the history of "SS". One may add only to what has already been said, that the Schutzstaffeln SS, created early in 1925 became according to the Hitler's special decree of the 20/7/1934 an independent organization of the Hitlerite party, just after political murders committ by the "SS" men on the 30th June 1934.

Hitler's decree states as follows:

"In consideration of the greatly meritorious service of the SS, especially in connection with the events of 30 June 1943, I elevate it to the standing of an independent organization within the NSDAP." The process of development of the SS in the Hitler's State, testifies clearly to the steadil increasing consolidation of SS -- the so-called General "SS" as well as "Armed SS Forces" with the police organization of Gestapo, SD, Einsatzgruppe and Sonderkommandos carrying out large scale "actions" that is, massacres and "filtrations" in the camps, etc.

This process of development was completed on the 17 August 1938 by a secret decree of Hitler, in which, explaining the reasons compelling him to unite on the 17 June 1936 the offices of the Chief of the German Police and

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the Reichsfuehrer SS -- Hitler stated: "By appointing the Reichsfuehrer of the SS, and the Chief of the German Police at the Ministry of the Interior on the 17 June 1936 I have created a foundation for the consolidation and reorganization of the German Police."

In accordance with this measure the "Schutzstaffeln" of the Nazi Party, directed by theReichsfuehrer of the SS and the Chief of the German Police, entered into close collaboration with the German police. And only in this, most close collaboration with the most cruel members of the police, created by German fascism and especially appointed to carry out tortures and extermination, could the exact task of the "SS" be understood.

The defense unsuccessfully tried to refute this evidence. It has tried to present this organization before the Tribunal, as composed of a number of absolutely independent cells separated by means of innumerable partitions, as: "Allgemeine SS", "Waffen SS", "Special SS Unites", the "Totenkopf" division.

It appears, that outside of a small section of "Toten-Kopf" not one of the units or sections of the SS had any connection with the police and the concentration camps, anymore than with the police activities conducted by Hitler, Himmler, Heydrich and Kaltenbrunner, or for that matter with the other grave crimes committed by the Hitlerites. As a result, in the opinion of the Defense, the only participants in the crimes perpetrated by these executioners were the Gestapo members Muller and Eichmann and the chief of the "D"-administration of the SS - Paul.

To wit, these particular persons murdered and tortured over 10 million people.

Among the famous perjurers already known to the Tribunal, such witnesses for the Defense of the SS as the former supreme Fuehrer of the SS and Police of the Oberabschnitt in Munich, the SS-Obergruppenfuehrer Baron von Eberstein, colonel-general of the SS-troups Hauser, the chief of the SS recruiting section Brill, or the SS judges Reinich and Mohr should by all rights take one of the first, if not thefirst place, in the shamelessness of the lies to which they resorted in order to justify the SS and its members.

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However even falshood has its limits.

Carried to absurd proportions it did not only help the criminals, but instead, served to expose them.

It seems to me, that the Tribunal will duly appreciate the testimony of judge Mohr of the SS, who describes one of the most brutal SS-concentration camps, Buchenwald, as practically a sanatorium for the internees abounding in good food and playgrounds, in easy work in the open air and a large library.

In complete contradiction to the unintelligent lies of the "witnesses" for the Defense of the SS are the documents which expose this criminal organization. These lies are also contradicted by the irrefutable logic of facts --- facts of the gravest crimes the organizers and perpetrators of which were members of all chief links and organizations of the SS.

At the beginning of the war the SS organization consisted of the following main links:

1. The so-called Allgemeine SS where the SS member received general training before being assigned to the SS troups or to one or another of the police organizations. The "General SS" served as a reservoir from which reinforcements were drawn for special fascist organizations -- such as the Gestapo, "SD" the administration of the concentration camps, that is "Group D", and others.

2. The SS troops, whose activities the Defense and the defendants have so insistently tried to present as the "units of the guard" of the former German army, were nowhere remote from police activities. The SS troops included among other units those organizations, the criminal character of which even the Defense for the SS did not dare challenge. These were the camp commands of the SS-troops, who conducted mass extermination of the peaceful population and of the prisoners of war in the concentration camps. It was the "Waffen-SS" which also included the SS police regiments, that made up the units responsible for the destruction of populated centers and villages, and the perpetration of innumerable crimes on the occupied territories of Soviet Union and in the countries of Eastern Europe.

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3. The system of SS included the SS economic administration in charge of concentration camps, the administration for the consolidation of the German nation, which put into practice the infamous doctrines of racialism, and all the Hitlerite police organizations, among them such agencies as Einsatzgruppen and Sonder-Kommando.

It is hardly worth disputing the assertions of the Defense, that the relation of the SS to the police was "purely external" and to be explained simply by Himmler's "personal union".

It is well known what importance Himmler attributed to the fact that all the officials of the police had to be members of the "general SS", which served as the reservoir and the cementing nucleus of the entire SS Police system of German fascism. Amongst other evidence submitted to the Tribunal, there is a letter from Himmler to Kaltenbrunner dated 24 April 1943, in which he speaks of "the order of the enrolment of the Sipo officials (security police) into SS membership in cases where "the applicant is eligible both racially and ideologically, if he can provide guarantees as to the number of children, the health of his entire stock, and proof that he is personally in good health and is not a degenerate".

To this dishonorable "black corps" of German fascism was given a special role in the realization of the fascist criminal plans.

These degenerates dressed in the SS uniform and devoid of any idea of human morality, were not only assured of impunity for their crimes, but they were daily indoctrinated with the idea that they were the "most valuable racial class", which would form the foundation of the future great German Empire".

This they were repeatedly told by Himmler and by the Reichsleiters and Gauleiters, who were raised by Himmler to the high ranks in the SS and dependent upon the evaluation of their activities by the "SS - Reichsfuehrer", promoted up the ladder of the SS hierarchy.

As an SS member, Ribbentrop, the Minister of Foreign Affairs of fascist Germany, was not only ashamed of being compared as a member of SS to the murdered Paul or plunderer and executioner Globoschnik, but he was exceedingly proud of it.

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"I shall always consider it a special honor to belong to this proud corps of the Fuehrer, the corps which has a decisive importance for the futur of our great German empire, "wrote Ribbentrop in his letter to Himmler, when he was promoted from Gruppenfuehrer to Obergruppenfuehrer of the SS.

Thus one and the same SS system united the commandant of Treblinka Unterscharfuehrer Kurt Frank, the inventor of the "dead-vans", Untersturm-fuehrer Becker, the SS experimenter of live persons, Dr. Rascher, and the Reich Minister and SS-Obergruppenfuehrer Ribbentrop.

At a conference of the SS- Gruppenfuehrers in Pozen, in his speech on the unity of the SS and the police, Himmler stated: "Iam always doing something towards this end, a bond is constantly being cast around these sections of the whole to cause them to grow together. Alas, if these bonds were ever loosened- then everything - you may be sure of this - would sink back into old insignificance in one generation, and in a short space of time.... I think that we are responsible for it to Germany, for the German Reich needs the SA organization. She needs it at least for the next few centuries."

In concluding his speech, he said:

".. When the war is won, -- then, as I have already told you, our work will start."

"... the most copious breeding should be far from this racial super-structure of the Germanic people. In 20 to 30 years we must really be able to present the whole of Europe with its leading class. If the SS, together with the farmers, -- we together with our friend Backe, then run the colony in the East on a grand scale, without any restraint, without any question about any kind of tradition but with nerve and revolutionary impetus, we shall in 20 years push the national boundary 500 kilometers Eastwards ...

... We shall impose our laws on the East. We will charge ahead, push our way forward little by little to the Urals."

It is impossible to enumerate in a short statement the gravest crimes committed by the members of the SS. Nor is it necessary, since the evidence submitted to the Tribunal is too recent and vivid in our minds. I shall dwell briefly upon some questions, dealing with the responsibility of separate SS-Groups in connection with the objection raised by the Defense Counsel.

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No matter to which of the special SS organizations an SS member belonged first and foremost he was a member of the "Gneral SS". His expulsion from such membership signified loss of his position and all the privileges related thereto.

In this connection I shall read one of the documents submitted by the Soviet Prosecution on the subject of the Hitlerites" criminal acts against Soviet Prisoners of war.

In this case we have documents of the investigations conducted by the SS officials in relation to an "incident", as it is called in these documents, which occured during the performances of a "special regime operation".

The Tribunal well knows the significance of this last term. In thos particular case, a certain SS-Hauptsturmfuehrer Kallbach, who investigated the so-called "educational labor camp" for Soviet prisoners of war in Beroichev, decided to put to death 78 Soviet prisoners whose conditions is described in records of the interrogation by the Commander of the Camp "They were very seriously wounded. Some were without legs, some without arms and others had lost at least one of their extremities. Only a few had no injured limbs, but these were so crippled as a result of other kinds of wounds, that they were unable to work." The fact that the Soviet prisoners of war could not be utilized for work was the only reason for their murder.

The exectution of the sentence was entrusted to three SS men, SS- Unterscharfuehrer Palano, SS Rottenfuehrer Hasselbau and Ss Sturmfuehrer Volpracht. These three SS men are characterized in the evidence as follows:"... I know that the three above mentioned persons, whom I assigned to shoot the prisoners of war, had participated in mass executions of many thousands of persons in Kiev. And the local adminsitration, even since my arrival, had given them the task of shooting many hundreds of persons.

However it so happened, that when 28 of the preisoners were being transported to the place of execution they put up heroic resistance against the executioners, killed two of them and managed to esc .

It was in connection with this that the investigation was order d. The commander of the SS detachments in Berdichev was prosecuted not for his orders to murd 78 sick innocent people, but for allowing the possiblity for escape.

I have quoted this document not simply to remind you of one of the countless

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episodes of the SS brutalities on the territory temporarily occupied by the SS, but to read a quotation in which typical warning of responsiblity for perjury is given prior to the interrogation by the investigating SS men.

It states:

"... I have been notified of the substance of the forthcoming interrogation. It has been pointed out to me, that false evidence on my part [illegible] punishment and expulsion from the SS."

Upon entering the "General SS" the future member of this criminal organization took an oath, which included the following words:

"...I take an oath before you, Adolf Hitler, Fuehrer and Reichskanzler, to obey unto death you and all those whom you have appointed to command me."

And no matter where the SS man was in service, whether he was murdering people in Treblinka and Auschwitz or tortured them during the interrogations in the torture-chambers of the Gestapo, first of all he continued to be himself - a stupid, ruthless member of the "General SS" and know only two duties - blind obedience to the "Fuehrer and Reichskanzler" and unconditional enforcement of any criminal order.

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The organization of the SS Troops originated from the so-called Leibstandart Hitler's body guard, and the division "Dead Head" which was active mostly in concentration camps.

In war time the SS Troops included, among the other units and formations, the so-called "Camp Commands" which carried out directly the extermination of millions of people and the realization of the regime of exhaustion of the inmates before extermination, as well as the police divisions and units.

This simple enumeration of the units composing the Waffen-SS fully testifies to their criminal character.

The Soviet Prosecution had presented as evidence the sentence of the Military Tribunal of the Fourth Ukranian Front and a report of the Extraordinary State Commission concerning the atrocities of the German fascist [illegible] Kharkoff and in the Kharkoff area, from which it is evident that the units of the SS--particularly the SS Division of Adolf Hitler under the leadership of the Obergruppenfuehrer Dietrich and the SS Division "Dead Head" under the leadership of the Obergruppenfuehrer SS Simon are responsible for the extermination of more than 20,000 peaceful citizens of Kharkoff, for shooting and burning alive of prisoners of war.

In Kiev alone, during the period of German occupation, there were more than 195,000 peaceful citizens tortured to death, shot and poisoned in the "dead vans" most of them being exterminated by the units of the SS; for which according to the reports of the Extraordinary State Commission, the former Chief of the SS Troop in Southern Russia, and in the Ukraine Major General Torenfield, SS Lieutenant General Juettner, and ither Commanders of the SS Troops are responsible.

In the Teown of Rovno and the Rovno district the Germans have exterminated 102,000 persons. Among many others, a soldier of the Fourth squadron of the Seventeenth Cavalry Division of SS. Adolf Mitz testified how the SS men carried out these crimes; on the order of his regiment Commander Adolf Mitzke, together with the other soldiers of his regiment, carried out the shooting of peaceful citizens (among them women), and set villages on fire.

In the official note of the Minister of Foreign Affairs of the UUSR, W.M. Molotoffm dated 27 April 1942 and presented to the Tribunal under USSR-51 description of atrocities committed by the SS Cavalry Brigade in the Region of

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Yoropots is reported. I read into the record; "In January 1942, when Red Army troops smashed the German SS Cavalry Brigade in the district of Toropets, among the captured documents was found the report of the 1st Cavalry Regiment of the above-mentioned brigade on the "pacification" of the Stary Binsk District in Byelorussia. The regimental commander reports thatin addition to the 259 war prisoners shot by a detachment of his regiment, 6,504 peaceful inhabitants w re executed. The report states that the detachment operated in accordance with regimental Order No.42 of July, 1941. The commander of the 2nd Regiment of the same brigade, von Magill, states in his "Report on the Conduct of the Pacification Operations in the District of the Pripet Marshes from July 27 to August 11, 1941": We drove the women and children into a swamp, but this did not have the necessary effect as the swamp was not deep enough for them to drown. At a depth of 1 metre it was possible in most cases to reach firm ground (possibly sand)." In the same headquarters, telegram No. 37 w s found, sent by the Standartenfuehrer, commander of the SS Cavalry Brigade, to a horse detachment of the above mentioned 2nd Cavalry Brigade, dated August 2, 1941, which announces that the Reichsfuehrer of the SS and Police, Himmler, considers the number of peaceful inhabitants who are being exterminated "too negligible," points out that "it is necessary to act radically," that "the commanders of the formations are too lenient in their conduct of operations," and orders that the number of persons shot be reported daily,"

The whole criminal activities of the SS units in the territory of Yugoslavia, Poland and other temporarily occupied countries of Eastern Europe followed the same pattern.

I wish to bring to the attention of the Tribunal the numerous documents presented to the Tribunal by the Soviet and British Prosecution, in which the crimes committed in the territory of Yugoslavia by the SS division "Prince Eugene" are illustrated.

In particular I wish to remind the Tribunal of the Communication No. 9 of the Yugoslave State Commission concerning the atrocities committed by the aforesaid SS Division. This Communication describes how the SS soldiers, members of the Waffen SS who called themselves "the German Guard", have burned alive the population of entire villages, including women and children. I will remind you as

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well of the deposition given by the SS Major General August Schmidthuber describing how, on the order of the Commander of the first Battalion SS Kaasarer, peaceful citizens were locked up in a church in Krivaya Reka, and then the church building was blown up. I refer the Tribunal to the well-known statement of the Officers of that same division concerning the mass shooting of hostages and murdering of prisoners of war.

A secret directive of Himmler's was read before the Tribunal- by which it was shown that SS units were instructed to annihilate thousands of inhabited localities, towns and villages in the temporarily occupied regions of the Soviet Union. In this directive Himmler wrote as follows: "The aim to be achieved is that when areas in the Ukraine are evacuated, not a human being, not a single head of cattle, not a hundredweight of cereals and not a railway line remain behind; that not a house remain statnding, not a mine is available which is not destroyed for years to come. that there is not a well which is not poisoned. The enemy must really find completely burnt and destroyed land." In carrying out the criminal orders of the SS Reichsfuehrer (Himmler's order of 10 July 1943), the Waffen-SS deported for German slavery the populations of entire regions - driving the Ukranian and Russian children into special concentration camps.

The so-called Waffen-SS were the specially selected SS units composed in the main of volunteers, as well as members of the General SS called upon to carry out the criminal plans of Hitler and his clique.

The attempts of the Defense Counsel and of the defendants themselves to declare the SS a kind of "German Guard", having nothing to do with any kind of police function and whose hands are unstained with the blood if innocent people, are in full contradiction with the ruthless and irrefutable facts. Nevertheless, we do not deny that among the soldiers of the Waffen-SS were some who were compelled to serve. However, the question of the degree of responsibility of any particular person is a question of competence for the national Tribunals. Nevertheless, the SS troops as a whole are an essential part of the system and the SS organization is therefore undoubtedly criminal.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken.)

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MR. DODD: Mr. President, I am prepared to make a report on the attitude of the Prosecution concerning the application of the Defendant Seyss-Inquart to submit an affidavit. We are all in agreement in opposing the affidavit of Seyss-Inquart. It is really argumentative as we read it. We have had it translated, and it doesn't raise anything new, and it does express the Defendant's attitude toward a number of documents that were in evidence as early as last January, have been in evidence as early as last January, various documents about evidence and so on. It seems improper that the defense would make such an offer. Counsel made his argument, and indeed, he will have another opportunity himself to address the Tribunal. None of these matters in our judgment, in our opinion, are proper, nor should they be admitted by the Tribunal at this time. There is one matter raised in this affidavit, the matter of two documents 3640 PS and 3645 PS in which the Defendant Seyss-Inquart says they were not introduced in evidence. They were referred to by the French Prosecutor, M. Champetier de Ribes, that's all. Of course, M. Champetier de Ribes and the other gentleman of the French Prosecution with us agree that it was inadvertent, and we would like to state before the court for the court to understand that these two documents were not actually admitted inevidence; and, of course, we should not have referred to them in our argument. Other than that one matter that was raised, we can see nothing that would be helpful to the Tribunal.

THE PRESIDENT: Is it in German?

MR. DODD: Yes, Your Honor, it is in German. Our translation is not complete. It was done by one of our people hurridly and is in outline form and for my own information. I can go through paragraph by paragraph if the Tribunal would care to have me.

THE PRESIDENT: It is very long?

MR. DODD: No, it isn't. My outline is one page and a little more than a half. The affidavit itself is six pages. Our analysis of it is a page and a half.

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THE PRESIDENT: Mr. Dodd, if the only objection to the affidavit is that it is argumentative, is that really a very serious objection when there are so many documents?

MR. DODD: Well, no, sir, I expect it is not.

THE PRESIDENT: It is a case of difficulty, and we want to have the case after it is finished --

MR. DODD: Yes, I understand.

THE PRESIDENT: -- and the translation is the matter of difficulty in the circumstances.

MR. DODD: Yes. Well, our objection is just what I have stated, and no more than that. I don't want to press it too much. If the Tribunal feels it would be better to have it in and have it translated, there is nothing on the affidavit that we need make any reply to. I feel perfectly sure of that, and I don't think it is worth pressing, really.

THE PRESIDENT: Well, the Tribunal thinks that in the circumstances, it will be better if you allow the affidavit to be offered in evidence. The Tribunal notes that 3640 PS nad 3645 PS have not been offered in evidence.

MR. DODD: Yes, Mr. President, 3640 and 3645 PS were not offered in evidence.

THE PRESIDENT: We will not regard any reference to them.

MR. DODD: I wish to inform the Tribunal that the letter of Dr. Laternser's, we have no objection to this letter. We are all in agreement about it.

THE PRESIDENT: Thank you. Mr. Dodd said they had no objection to the letter. It will be --

DR. LATERNSER: Mr. President, there is a small paragraph in this letter that I should like very much to read into the record, two sentences of it.

THE PRESIDENT: Well, if the letter is in evidence, it is not necessary to take time by reading it into the record. The Prosecution have agreed that the letter may be treated as a part of the evidence of the record.

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DR. LATERNSER: But since the Witness Schreiber has made his testimony, I should attach value to it, and that one very brief paragraph consisting of two sentences should be read into the record if possible.

THE PRESIDENT: Well, wait a minute. No, Dr. Laternser, the letter will be admitted as part of the evidence of the record. We do not desire that further time should be taken up by the matter.

DR. LATERNSER: Mr. President, with reference to this subject I received another exhibit which may -- I received it during the recess -- but, of course, I don't know if the Tribunal is willing to receive it in evidence. In order to complete this subject of the evidence, may I beg the Tribunal to allow me to present it. It is a document which would, if possible that I be permitted to show, that in the case of one of the Allied Nations, too, bacterial warfare of the defensive and offensive type has been prepared, and that four thousnad people were occupied with it. I should merely like to present it for that one reason that I shall be able to submit a fact to the Tribunal which would be useful for the proper judgment of this particular subject.

THE PRESIDENT: No, that falls within the principle that we have decided over and over again, that such evidence is not admissible.

DR. LATERNSER: But since we are here concerned with a new subject, Mr. President --

THE PRESIDENT: We are well aware of the argument you have presented to us that any investigations which were taken in bacterial warfare was done solely for defensive purposes. That argument is perfectly clear and any other argument based upon allegations as to what Allied Nations may have done is irrelevant.

GENERAL RUDENKO: On 4 October 1943 in his speech addressed to the SS Gruppenfuehrers in Poznan, Himmler stated:

"We want a complete unity with the Party and all its organizations. It is very fortunate that we are completely united

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with the 'SA'. The new Chief of Staff Scheimann considers his most essential task that of creating peace and accord among the old Party groups."

Thus, the creator of those SS who in 1934 liquidated the heads of the SA Putsch -- in 1943 confirmed the full unity of the SS with the SA and emphasized the importance of this Hitlerite criminal organization for the general conspiracy.

During the whole process of the growth of the Hitlerite party and of the Hitlerite State, the "SA" was the criminal organization to which the ringleaders of German fascism attached special importance considering it one of the main weapons for terrorizing and fooling their own nation and for laying ground for agression against other nations.

There is no use to argue with the Defense Counsel of the SA about the part played by this criminal organization in the common plan of the Fascist Conspiracy.

Essentially, the pleading of the Counsel for the Defense, Boehm, was, generally speaking, devoid of any legal argumentation that would render it worthy of attention. This was a statement made from the view point of the convinced Nazi, repeating, in a number of cases, the worst instances of Hitlerite propaganda, which the Counsel for the Defense had carefully extracted from the Press of the SA.

DR. LOEFFLER (Counsel for the SA): Mr. President, will you permit me to briefly object to this very severe personal attack? Unfortunately Dr. Boehm is unable to appear in the session today, but I have been able to ascertain in the interval in which he was admitted to the defense, it has been proved that attorney Dr. Boehm has never been a member of the National-Socialist German Party. The accusation, therefore, before this court, that he had viewed National-Socialist propaganda with his press is without any background. Insofar as the whole of Germany is concerned, there would not be a single normal person who, during the time of the Nazi regime, has refused to join the National-Socialist Party. This fact in this particular trial --

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THE PRESIDENT: But we are not considering whether defense counsel belonged to the Party or not, and this observation of the Soviet Prosecutor doesn't say that Dr. Boehm was a member of the Party. It may be rather strongly expressed, but what he says is --this is the statement made from the viewpoint of a convinced Nazi. He doesn't think that Dr. Boehm was a Nazi.

DR. LOEFFLER: Mr. President, I have nothing to add to the statement except that I am asking the Tribunal to take cognizance of the very difficult position in which the defense find themselves, and consider that it is impossible to represent the organizations of the Party without representing also the attitude, the point of view, of the Party. That is all I had to say but if the Russian Prosecutor is not finding any legal argument in Dr. Boehm's final plea, then he must examine the memorandum of Dr. Klefitsch in great detail, and there it was said that there should be a reply to that statement, a reply which so far has not been made or received.

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THE PRESIDENT: General Rudenko, the translation which we have got of your statement is possibly ambiguous, and therefore the Tribunal would like to be assured that what I said about it was accurate and that you were not suggesting that --

GEN. RUDENKO: Quite right, Mr. President. You very precisely said that I am asserting here that the speech was simply made from the view point, from the position of a Nazi, but I have no confirmation of the fact that Boehm himself did belong to the party, and I think that such polemics are admissible.

THE PRESIDENT: I think perhaps, General Rudenko, that it would be proper for you to withdraw any suggestion that Dr. Boehm himself was a convinced Nazi.

GEN. RUDENKO: But I never did affirm that Dr. Boehm was a convinced Nazi. I am simply asserting that, judging by his speech, he might possibly belong to the Nazi point of view.

THE PRESIDENT: What you mean is that Dr. Boehm was representing a certain point of view, and, of course, as counsel he doesn't represent his own point of view; he merely represents the point of view of the case which he is presenting. Is that what you meant?

GEN. RUDENKO: Yes, of course, Mr. President.

THE PRESIDENT: Go on.

GEN. RUDENKO: The "Sturmabteilungen" or "SA" were the first striking force in the hands of the conspirators, the first mass and military organization founded by them.

They were organized by Hitler in 1921, with the full support of the Reichswehr, who was hoping for revenge.

The nucleus of the "SA was made up of men such as Streicher and Roehm, "zoological" anti-semites, chauvinists, supporters of the idea of the conquest of "living space", officers having left the army and soldiers of the defeated Kaiser's army.

The shock units were composed of the most reactionary elements seeking revenge, and to the "SA" entered adventurers, tempted by the decorative side of this criminal organization and seeing in it a possibility of participating in "pogroms" and plunder.

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From the very beginning the "SA" was a strictly voluntary organization. This principle stayed in force during the whole process of development of the shock units.

From the Munich Putsch in 1923 till the seizure of power by the Hitlerites in 1933, the "SA" remained a legal weapon in the hands of the Hitlerite fascist clique, securing for it the "mastery of the streets" and the elimination of political opponents.

With the "SS", the shock units were an integral part of the Hitlerite party. This fact was officially declared in the ordinance of March 1935 (Reichsgesetzblatt, 1935, part I, page 502) and the same was to be found in the organizational charter of the Hitlerite party.

In his pamphlet "The SA", the SA-Sturmfuehrer Bauer wrote:

"The public opinion would never have learned of the stirring speeches and the propaganda of our small faction in the Reichstag or of the aspirations and aims of the party, if it had not have been hearing the steps of the marching SA units and their battle songs".

But the "steps of the marching SA and their battle songs" were not the only things heard by the German "public opinion". It perceived far more, the blows of rubber bludgeons, the shots fired at political opponents and the pogroms in the working wards. For the chief fascist conspirators the basic value of the SA was precisely their function as a weapon for pogroms and terror.

During the period of struggle for power and thereafter, the shock units were first of all a weapon of rough coercion, a means of elimination and extermination of political opponents.

This situation was very frankly depicted by Goebbels in a speech delivered by him in 1935. He then stated:

"The internal political opponents did not disappear by means of some unknown secret reasons. No, they disappeared because our movement had at its disposal the strongest weapon in the country, and this strongest weapon was the "SA" units".

The Tribunal will remember the evidence given by the witness Gisevius of the terror applied by the shock units in the streets of German towns, of the "pogrom-makers" in SA uniforms, who beat, killed, scoffed at human

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dignity and transformed the headquarters of the SA into houses of torture.

It is true that when the Hitlerites came to power another terroristic organization was practically formed which became the principal executor of their plan, and with the SA formed the reserve of that great police machinery which was set up by German fascism. These were the SS, and the brownshirt-men surrounding Hitler had to stand aside and give place to the head of the Hitlerite party organization to the "black corps" of the SS.

The official biographer of Goering speaks of the wide use of the SS as a reserve of the political police. He notes that when forming the Gestapo, Goering included into the personnel of this organization, one of the most dangerous criminal organization of German fascism, many members of the SA, "they being the most reliable, from the political point of view."

Evidence has already been presented to the Tribunal, showing that as the SS members of the SA, after the fascists came to power, formed detachments for the guard of concentration camps.

Describing the concentration camp of Oranienburg, the SA Sturmbann-fuehrer Schaefer states:

"The most tested and daring members of the SA were chosen for work in the camp, that is, they were the constant guards of the camp. In this way we formed a staff of experienced guards, who were always ready for action."

It seems unnecessary for me to dwell on the treatment of the prisoners in these camps and the line of conduct in the concentration camps of the men of the shock units in their role of executioners.

The men of the shock units directly accomplished the first antisemitic pogroms. This is proved by the original reports of the commanders of units and detachments of the SA, contained in other documents submitted by the Prosecution. As the SS, the SA were formed in the same spirit of ferocious anti-semitism, which ended up by the establishment of Treblinka and Cholmno.

However, in analyzing the criminal character of the SA organization another of its important functions in the execution of the general plan of development of the Hitlerite conspiracy must not be omitted.

The SA was the organization under whose cover was carried out the mass training of the military personnel for the Wehrmacht. This personnel was later on called upon to execute the plans of aggression of the Hitlerites.

This criminal activity was executed with a maximum of secrecy for

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the outer world.

"In addition to my instructions... dated 11 July 1933, I find cause to ask all SA authorities to exercise the greatest caution with regard to any publicity given to the SA service not only in the press, but also in the information and news sheets of the individual Sa units. Only during the last few days, the Reich Ministry of the Interior, at the request of the Foreign Office, has given strict instructions to all Reich authorities according to which the most severe control is to be exercised on all publications which might give other countries an opening to construe German infringments of the terms of the Versailles Treaty."

This secret order of the Chief of Staff of the SA fully refutes the assertion of the defense relative to the "peaceful character" of the shock units and the "purely sport" character of their activities.

The organizational structure of the shock units with their brigades and regiments had a purely military character. From the moment of their creation, under the guidance of the most reactionary officers of the Reich wehr, who joined the Hitlerites - the SA units began the preparation of the cadres for future war.

Later, after the seizure of power by the Hitlerites, the SA became a weapon of mass military training, and officers of the Wehrmacht, in SA uniforms, carried out in these units a purely military training of the shock units men.

The leaders of the SA well understood the position occupied by them in the realization of the Hitlerite plans of aggression, after the seizure of power.

In this connection it is pertinent to present again to the Tribunal a short excerpt of an article published in the organ of the shock units, "Der SA Mann" of the 6th of January 1934:

"... the SA man, following the will of the Fuehrer, stands as defender of the National Socialist revolution before the gates of power and will remain standing there for all times. For still gigantic missions await fulfilment which would not be thinkable without the presence and the active cooperation of the SA.

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What has been accomplished up until now, the taking over of the power in the state and the ejection of those elements which are responsible for the pernicious developments of the past war years as bearers of marxism, liberalism and capitalism are only the preliminaries, the spring-board for the real aims of National Socialism."

In the entire subsequent development at Hitlerism, the SA men were a loyal weapon in the hands of the criminal Hitlerite clique.

During the war, by a special instruction, the members of the SA were charged with the guarding of prisoners of war and of the "workers from the east", not permitting any weakening of the brutal non-exterminating regime established for them. Members of the SA acted as guards in several "worker camps."

The SA was one of the most criminal mass organization of the Hitler party.

The criminal activity of its members, with the exception of the "union of veterans" and persons involved in the sport societies of the SA, is fully proved, by the court proceedings.

The shock units of the German fascist party, whose activity forms a greater part of the crimes of the Hitler regime, must undoubtedly be found by the Tribunal as a criminal organization.

The Gestapo was founded by Defendant Goering on the 26th of April, 1933, at the time when the latter was Prime Minister of Prussia, and during the early period of its existence itwas directed by him personally.

Gradually, however, Reichsfuehrer of the SS, Heinrich Himmler, centered all direction of the political police of the Reich territory in his own hands. The law of 10 February, 1936, declared Gestapo a "special police" organ for the whole Reich. By his decree of 17 July, 1936, Hitler appointed Himmler the Chief of the German Police, thus making legitimate the "personal unity" already achieved by the SS and the Police on the whole.

In harmony with this principle of "personnal unity", i.e., unity of leadership, by his very first decree on the structure of the German Police, dated 25 June, 1936, Himmler appointed Reinhardt Heydrich the Chief of the SIPO (Security Police) which already embraced within the same system both the Gestapo and the Criminal Police. Heydrich's successor, after the latter's death, was defendant Kaltenbrunner.

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In 1939, in consequence of the consolidation of the leading role of SD in the general security scheme of the Nazi State and for purposes of further unification of the police under single leadership, a reorganization of the central security organizations took place. This resulted in the fusion of "the Chief SS security Administration with the "Chief Administration of the Security Police" into a single SS semi-governmental semi-party organization - "Reich Security Head Office" i.e., the RSHA.

Thus the Secret State Police, then briefly known as "Gestapo", and up to then existing as part of the "Chief Administration of the SIPO", became the IV Section of RSHA.

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The Functions of Gestapo.

The functions of the Gestapo in the general system of the security organs of the Third Reich were clearly defined by the same Heydrich in an article published in the German periodical "The German Police." While defining the role of SD as that of political intelligence within both the Nazi Party and the Nazi State whose task included the study and analysis of the political atmosphere and of the political trends and tendencies both inside and outside the bounds of the Reich for purposes of informing the Nazi leadership, Heydrich saw the function of the Secret State Police as revealing and rendering harmless those politcial elements within the Nazi regime which were hostile and unreliable.

The whole of Gestapo with its system of central, regional, penitenciary and other special branches and formations, was geared to the accomplishment of this cardinal point of its program.

The fulfillment of this function required most careful individual selection of the Gestapo personnel. These were selected from among the most experienced cadres of the general police and of the administration, who were already proven to be the fanatical adherents of the Hitlerite regime, and also from among the regular employees of the SD. The latter were usually given supervisory postions in the Gestapo.

The affidavit submitted by the former chief of the IV Section of the RSHA, Walter Schellenberg, establishes that 75 % of Gestapo employees were also members of the SS. They had either been member of the SS prior to entering the Gestapo or else they became member as they began their careers in this punitive and terroristic organization.

The number of Gestapo employees in the period of 1943-45 reached between 40 and 50 thousand. Such staff, to quote Fouche, allowed Gestapo "to have eyes to see everywhere and hands to seize anyone."

The criminal activity of the Gestapo did not confine itself merely to the territory of the Reich.

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During the period of preparations for aggression, it was the Gestapo that received the task, jointly with the SD, to organize one of the first operational groups, the Einsatzgruppen, meant to function on the territory of the Czechoslovak Republic.

With the beginning of hostilities and in conformance with the already prepared and approved plan, Gestapo put at the disposal of the Armed Forces a certain percentage of its experienced workers to organize the so-called "Secret Field Police" - GFP. The GFP units in the army had the functions of both the Gestapo and the SIPO in the Reich and were also empowered with wide police and punitive rights directed against the civilian population and the guerilla fighters in theatres of military operations.

From the very beginning of its existence the Gestapo had wide powers in connection with extra-legal reprisal measures directed against elements "threatening" the Nazi State or the Nazi Party.

One of the main types of reprisal used against such elements was the utilization of the right of "preventive arrest" and "preventive imprisonment" which the Gestapo used widely both on the territory of the Reich and in the areas later annexed or occupied by Germany.

The places of preventive arrest were the widely known and notoriously dismal German concentration camps. Confinement to a concentration camp could take place through a simple written directive on the part of the Security Police and the SD Chief Heydrich, whose place was later taken by Kaltenbrunner, or at the order of the Chief of the IV Section of the RSHA-Mueller. Frequently the order of confinement to a concentration camp was issued personally by the Reichsfuehrer of the SS and simultaneously Chief of the German Police - Heinrich Himmler.

Never did the victim of preventive arrest know for just how long a period of torture and suffering he was being confined, - the length of confinement depended entirely on the arbitrary will of the Gestapo. Even when Gestapo knew the length of time that it planned to keep the man in prison, it still was strictly forbidde

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to disclose this either to the prisoner or to his kin.

These concentration camps were the prototype of the extermination camps which materialized in the subsequent period of aggressive operations and which generations to come are bound to remember with tremor, namely the Maidanek, the Auschwitz, the Treblinka, and many others.

As the punitive executive organization of the Nazi State, the Gestapo had close connections with the Nazi Party.

In the appendic to the Decree of both the Reich and the Prussian Cabinet Minister dated 20 September, 1936, it states without any ambiguity that "the special functions of the Security Police demand the closest and fullest mutual understanding and collaboration... also with the Gauleiter of the NSDAP..." In studying the decree of 14 December, 1938 concerning the collaboration of the party organs with the Gestapo it is easy to see that there existed the closest contact among the various organizations of the Fascist conspirators, specifically between the Gestapo and the party leadership. Defendants Hess and Bormann were always careful to maintain close contact between the party and the Gestapo.

Gestapo Participation in Plans for Aggression.

As I have already stated, together with other criminal fascist organizations, Gestapo participated actively in preparing plans for the seizure of territory belonging to other states.

The list of 4.000 Yugoslav citizens, compiled in 1938 and seized in May 1945 in the Gestapo quarters in Maribor, testifies beyond doubt to the effect that the Gestapo participated in plans for the invasion of Yugoslavia in its own special way. We also see from the testimony of Dragomir Jovanovich, one of Yugoslav quislings, who was chief of the Serbian Police during the German occupation, that the Gestapo organizations for Yugoslavia were planned beforehand. In accordance with a pre-conceived plan the police posts were distributed among the German residents of Yugoslavia.

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USSR Exhibit No. 509, submitted to the Tribunal by the Soviet Prosecution, likewise shows that also for Czechoslovakia, the chief Reich security branches, planned the functions of the SD and the Gestapo, long before the actual occupation of the countr

The report of the Czechoslovak Government points out still another type of participation of the Gestapo in planned aggression. The Administrative Headquarters of Reich Security also planted in Czechoslovakia agents for assassination or for kidnapping and whishing away to Germany of the known anti-fascists. The facts of the Gestapo participation in Germany's aggressive plans are also confirmed by a series of documents dealing with lists of persons, personnel files, and other data regarding important officials of the government organs and the community leaders of the Soviet Union who were to be annihilated -- long before the actual perpetration of the treacherous attack on Russia by these Hitlerite blackguards. For instance, together with the SD and the Criminal Police, the Gestapo prepared the "Special Intelligence Guide for the USSR," "The German Intelligence Guide" "Lists of Persons Whose Residence Must Be Determined," and other similar intelligence reference books and lists of persons.

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The criminal activity of the Gestapo connected with plans for aggression, both within the Reich itself and in the West, has already been dealt with by my respected colleagues. For that reason I shall pass on to the subject of the Gestapo crimes in the te terporarily occupied territories of the USSR, Yugoslavia, Poland, and Czechoslovakia.

THE PRESIDENT: General Rudenko, what is the reference to "The German Intelligence Guide," "Lists of Persons Whose Residence Mus De Determined", and other similar intelligence reference books and lists of persons? USSR-3 is what I've got.

Is that the right document?

GENERAL RUDENKO: Yes, USSR-3, quite right Mr.President, USSR-3

THE PRESIDENT: Thank you.

GENERAL RUDENKO:

The Crimes of Gestapo in Czechoslovakia, Yugosloavia, and Poland.

The crimes which the Hitlerites had committed with the help of the police organization in the temperarily occupied territories of Czechoslovakia, Yugoslavia, and Poland are of the same pattern.

The various Gestapo organs were the executive machinery which served to realize most of these crimes.

The very first mass operation of annihilating the Polish intelligentzia, the so-called "Operation AB" was conceived by Frank, approved by Hitler, and perpetrated by the Gestapo. It was the a agents of the Gestapo, who with the aid of several SS units and under the direction of the SS and Police Chief for Poland, Obergruppenfuehrer Krueger as well as Brigadefuehrer Strechenbach managed to exterminate several thousand Polish intellectuals, carrying out this atrocious mass operation.

In accordance with Frank's decree of 9 October, 1943, the notorious "Standgerichte", created "to suppress attacks on German construction in the Government-General", also consisted of Gestapo

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agents.

Again it was the Gestapo which put into effect the terrible reprisal against the clergy which resulted in the murder of about 700 priests and the imprisonment of about 3000 clergymen, as early as January 1941.

As it is thoroughly proven by the documents submitted by the Soviet Prosecution, the Gestapo established special mass extermination centers for the Jewish popolation of Poland.

In contrast to such extermination camps as Majdanek and Auschw which were under the jurisdiction of the Administrative Command of the SS, the secret extermination camp in Helmno, where over three hundred and forty thousand Jews were done away with by mean of murder vans, was both founded and directly administered by the Gestapo which created for the purpose a special unit, "Sonderkommando Kulmhof. This Gestapo Sonderkommando was under the administrative supervision of the Gestapo Chief in the City of Lodz - Drautfisch.

It was also the Gestapo which founded Treblinka - this prototy of all subsequent extermination camps.

Eichmanns Plan for the extermination of Jews in Europe with the help of special extermination camps created for the purpose by the "D" Section of SS, originated in the Gestapo where Eichmann worked as subordinate of the Gestapo official Mueller.

It was the Gestapo who was responsible for the annihilation of 3,200,000 Jews in Poland, 112,000 in Czechoslovakia, and 65,000 Jews in Yugoslavia.

It was the Gestapo that introduced and practised in the occupi territories of Eastern Europe the criminal system of hostages and the principle of collective responsivility, thus arbitratily and constantly widening the number of persons liable to reprisals. For example, it was the Gestapo that together with Defendant Frank issued the notorious decree of mass reprisals with regard to the

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"families of saboteurs", the decree which stated that "not only should the seized saboteurs be immediately executed on the spot but also all the male kin of offenders should be immediately shot while all female relatives over 16 years of age, should be confined to concentration camps."

What went on in Poland does not typify the Gestapo behavior in Poland alone but applies also to Czechoslovakia and Yugoslavia

200,000 persons passed through the Gestapo Prison in Brno, Czechoslovakia, only during the period of occupation alone. Only 50,000 of these were freed. Others were killed or sent to slow death in the concentration camp.

The order of 9 March, 1942, gave Gestapo the right to use "preventive confinement" and "protective custody".

Thousands of Czech patriots, particularly doctors, teachers, lawyer and clergymen were arrested even prior to the war. In addition lists were compiled in each region of persons liable to be arrested as hostages at the first sign of disturbance of the social order or security. Karl Hans Frank addressing leaders of the "movement for national unity" announced in 1940 that 2,000 Czech hostages - then in concentrations camps - would be shot unless Czech leaders signed a declatation of loyalty.

When an attempt on Heydrich's life took place, many of the hostages were executed.

In 1939 the Gestapo called together factory directors and warehouse supervisors of the various Czech industrial concerns. They were made to sign the following statement: " I am cognizant of the fact that I shall be shot immediately if the plant stops work without a justifiable cause".

Schoolteachers in Czechoslovakia similarly had to sign declarations making themselves responsible for the loyalty of their students.

It was the Gestapo which was responsible for that unheard-of

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crime of the annihilation of the village of Lidice and of its population.

The Gestapo terror in Yugoslavia assumed an especially vicious character.

The confirmation of the fact can be found in the [illegible] in quotation from the Report No. 6 of the Yugoslav State Commission for the Investigation of War Crimes:

"A group of hostages was hanged in Celsje (Zilli) on hooks used by butchers to suspend uncut meat. In Maribor, victims worked in groups of five, placing bodies of shot hostages into boxes and then loading them on to trucks. As each five-man team finished its job, it was shot and the next group of five persons replaced it in the loading job. This went on continuously. The Sodna Street in Maribor was covered with blood from these lorries. The given number of 50,000 victims appears too small as several hundred were shot each time, in Granz even as many as 500 being murdered at once."

Numerous documents have been submitted to the Tribunal, dealing with the mass shooting of hostages and signed by the appropriate regional chiefs of the Gestapo in Yugoslavia. I shall not dwell upon the details of these documents, as I suppose the Tribunal still has them clearly in mind.

The Crimes of the Gestapo on the Temporarily-Occupied Territories of the USSR.

The legal proceedings have thoroughly revealed those monstrous crimes which the Gestapo had committed on the temporarily-occupied Soviet territory. There the Gestapo personnel functioned either among the operational units, i.e. the Einsatzgruppen, the Einsatzkommandos, and the Sonderkommandos of the SD and of the Security Police, or else it comprised the staff of the Secret Field Police, which was usually staffed with both the Gestapo and the Criminal Police employees.

As a rule, it was the Gestapo official who on all occasions

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carried out themselves the inhuman "executions" and "mass actions," acting under the general political leadership of the members of the SD staff and with the assistance of officials of other police organizations, as well as units of the "Waffen-SS", widely used for these purposes. Numerous cases of mass murder and torture of Soviet peaceful citizens by the Gestapo, have been established at the Tribunal. As an example I shall content myself with the description of separate characteristic facts.

In the small town of Wjasma alone, by order of the chief of the Gestapo, several thousands of peaceful citizens were killed or tortured to death. The fascist monsters not only killed their victims, but made them dig their own graves.

In the village Zaitchiki, in the Smolensk district, the Gestapo men drove into one house 23 old men, women and children, set the house on fire, burning alive all those who were inside.

In the psychiatric hospitals of Riga, the Gestapo men exterminated all the inmates of these asylums.

As it is stated in the report of the Extraordinary State Commission on the crimes of the German fascist usurpers in the town of Rovno, in the Rovno district, as retaliation to each act of resistance, the Gestapo men had recourse to mass murder.

When a German judge was killed by an unknown person in November 194- in Rovno, the Gestapo shot more than 350 prisoners, detained in the town prison.

It is known from the report of the Extraordinary State Commission on the crimes of the German-Fascist usurpers, that the Gestapo men used "dead-vans" for the extermination of Soviet citizens. In the town of Krasnodar and the Krasnodar region, the Gestapo men, forming part of operational groups, exterminated through poisoning by carbon oxide, more than 6.700 Soviet citizens, including women, old men and children, who were in treatment in the Krasnodar hospital as well as persons held in the Gestapo prison.

In the outskirts of the town of Krasnodar in a big anti-tank trench were buried several thousands of corpses of Soviet citizens who had been poisoned by gas and thrown in there by the Gestapo.

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In the Stavropol region 54 children who were seriously ill and were being treated at the health - resort of Tiberda, were poisoned by gas in dead-vans, as were also 660 patients of the Stavropol psychiatric hospital.

The evidence given by Kovaltchuk, who lived in the Stavropol region gives us an idea of the tortures practiced by the Gestapo-men. They interrogated at night only. These interrogations were made in a separate room, where special torture devices had been set up, amongst them chains with metal bars fixed in the concrete floor and to which the prisoner's arms and legs were chained. The arrested person was first of all stripped naked then lain on the floor, his hands and legs shackled, after which he was beaten with rubber sticks. Sometimes a wooden board was placed on the back of the victim and sharp blows were then dealt with heavy weights, on the board.

The torture chamber was arranged in such a way that when an arrested person was tortured, the other arrested people who were in an adjoining ward awaiting torture, were able to follow the scene. After the tortures the unconscious prisoner was temporarily thrown aside by the "modern inquisitors" and the next victim, in most cases already half unconscious, was dragged into the room.

These unheard of tortures, were used by the Gestapo even against women.

I shall mention one example only. Such tortures during interrogation were most extensively used throughout the occupied territories of the USSR.

Recourse to medieval tortures during interrogations ensued on the basis of special orders emanating from the RSHA and Mueller, chief of the Gestapo. In one of those strictly secret orders the authorities gave the following instructions: "Third degree can include the following treatment: a very simple diet (bread and water); a hard berth, a dark cell, deprival of sleep, an exhausting drill, beating with birch rods".

The intelligentzia, including distinguished men of science and art who where in the Soviet territories remporarily occupied by the Germans, were likewise subjected by the Gestapo to unheard of torture and persecutions.

The persecution by the Gestapo of representatives of the intelligentzia was carried out following a plan which had been elaborated before hand. For instance, before the German troops had occupied Lwow, detachments of the

Gestapo had in their possession lists of the principal representatives of the Lwow intelligentzia who were to be exterminated. Immediately after the occupation of Lwow by the Germans, mass arrests and shooting of professors, physicians, lawyers, writers and artists started to occur. Paying no heed to the human merit of their victims, the Gestapo subjected the arrested scientists to the most refined tortures after which they finally shot them.

An investigation carried out by the units of the Red army, after Lwow had been freed from the German occupants, showed that over 70 prominent scientists, technicians and artists had been killed by the Germans, their bodies being subsequently burned by the Gestapo.

Fearing to be held responsible for these acts, the fascist jackals painstakingly tried to conceal the facts about the extermination of the Lwow intelligentzia.

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The Gestapo also took part in the torturing and killing of prisoners of war During the court proceedings we heard a directive of department IV of the Reich Security Head Office, dated the 17th of June 1941; it concerned the activity of detachments of the security police and SD, in the prisoner of war camps. Your Honors also know the directive of Mueller dated the 9th of November 1941 sent to all departments of the Gestapo and which related to the throwing away of the bodies of people who had died on their way to the place of execution.

The written testimony of Kurt Lindorf, a former employee of the Gestapo, is at the disposal of the Tribunal. This document concerns the execution of Soviet political commissars, and also deals with an order of the Chief of the security police and SD transmitted to the local organs of the Gestapo concerning the sending of certain categories of escaped officers from prisoner of war camps, to th Mauthausen concentration camp for the carrying out of the "Kugel" (bullet) actio

The Tribunal is acquainted with the order of the commander of the 6th milit ry district, dated July 27th, 1944, stating that recaptured escaped prisoners of war lose their rights and are to be turned over to the Gestapo, as well as with Keitel's order to the armed forces, dated August 4th, 1942, which stated that th adoption of action against separate paratroopers and grpups of paratroopers be- longs to the jurisdiction of the SD and the Gestapo.

The Gestapo actively cooperated in the deportation to German slave labor of thousands of peaceful citizens from the territories temporarily occupied by Ger ny and inflicted cruel repressive measures upon these persons on their arrival Germany. In a like manner, Mueller, the chief of the Gestapo, in his telegram of 16 December 1942, stated that the Gestapo could arrest some 45 000 Jews to serve as workers in the concentration camps.

In the directive of December 17, 1942, Mueller writes of this in connection with 35 000 Jews.

In the secret order of July 18th, 1941, Mueller instructed the Gestapo abo the indispensable measures to be taken in order to prevent agitation among forei workers.

The criminal activity of the Gestapo is especially horrible in connection with the extermination of Jews.

The affidavit of Wilhelm Goetl dated November 7th 1945 establishes the fact that the Gestapo exterminated some 6 million Jews.

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In the reports of the Extraordinary State Commission set up for the investigation of German-fascist atrocities on the territory of the USSR and in other documents as well are brought forward innumerable facts of torture, of different outrages and mass murder of Jews by the Gestapo-men.

The Court proceedings have fully confirmed the submitted charge against the criminal activity of the Gestapo.

As an organization of mass sanguinary terror, the Gestapo must be recognized as a criminal organization.

THE SECURITY SERVICE - "SD".

The Security Service or "Sicherheitsdienst" was usually referred to in the official police documents under the abbreviation of "SD". It originated as a mute organization of the Party and the SS which was to be a secret intelligence organization of a conspiratorial and strictly under cover nature. The SD, as well as the SS, was organized by Himmler.

SD was that secret organization within the SS system which, after the seizur of power by the Hitlerites, had most speedily merged with the police agencies and had promptly installed into the leading secret police positions the cadres of both the SA and the SS. It had played a leading role in the German scheme of political intelligence and "preventive extermination" of the undesirable elements both before and after the formation of the RSHA.

The SD stood particularly close to the Central Headquarters of the criminal Nazi conspirators i.e. the Party Leadership. And that is why the SD participated most actively in planning those police activities which invariably accompanied all Hitlerite plans of aggression.

As will be shown below it was the SD which created the first "Einsatzgruppen" supplied these predatory organizations of German fascism with executive personnel, and organizationally helped with atrocities later committed in the occupied territories of Poland, Yugoslavia, the Soviet Union, as well as in other countries.

Attempting to extempt this criminal organization from the responsibities with which it is charged, the Defense started an argument about the meaning of the very term "SD".

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The reasons for the Defense starting this terminological discussion are quite clear. The Defense endeavoured to support Kaltenbrunner's version of SD as an organization whose functions were strictly limited to the Intra-Reich information services and which remained entirely alien to all police functions.

The Defense began this argument so that only the most apparent part of the criminal activity of the SD would be revealed while the rest could hide behind such terms as "general information services of trends and tendencies among the different circles of German society". All the political and the police functions of the SD, as leading organization of the Police-SS machinery, would stand unrevealed.

In reality, however, SD was a widely spread espionage organization of German Fascism, which actively contributed to the realization of the criminal plans of aggression and operated both inside and outside Germany, in the occupied regions and abroad.

Along with the Gestapo, it was the SD cadres who formed the backbone of Einsatzgruppen, where it was always the SD personnel that occupied leading posts.

The functions of SD can be subdivided as follows:

1/ The "General Information" function which covered, as shown by the SD official documents, the "Lebensgebiete" or spheres vital to the German Reich, all governmental offices, and all the best social circles of fascist Germany.

2/ The "Special Function" referring to personnel card files and lists of persons, primarily in countries which were to be invaded. The card files and lists contained names of people who were to be subjected to the "special regime" i.e. either destroyed or confined to concentration camps.

3/ The function of supplying personnel to those criminal organizations which were directly concerned with the realization of the Hitlerite plans for the annihilation of the politically undesirable elements and of the intellectuals in the occupied territories and which were conducting the bestial acts of terrorism and execution.

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The entire staff of SD consisted of SS men. This is understandable considering that SD was an offspring of the SS and up to the very last moment was referred to as the "SD of the Reichsfuehrer SS".

The many-brached SD system included the following:

The III Department of RSHA (i.e.Amt III which consted of the Domestic and Occupied Regions Political Intelligence Service); the VI Department of RSHA (consisting of the Foreign Intelligence Services and headed by one of the closest associates of Himmler -- Walter Schellenberg whose testimony is well known to the Tribunal); and the VII Department (Amt-VII), sometimes called the "Department for Ideological Warfare". The latter also included a number of very important auxiliary branches which made up the analysis organizations for data resulting from both foreign and domestic espionage activities of the SD.

In order to refute the statements of the Defense I should like to refer to one of the documents showing the actual position of the SD in the police and SS scheme of Hitlerite Germany.

I am speaking now of the document entitled: "Utilization of SD in case of emergency in Czechoslovakia". The document is marked: "Secret - Of State Importance" and is dated June 1938 i. e. more than nine months before the actual seizure of Czechoslovakia. It was found by the R-d Army amongthe Berlin files of the SD and has been submitted to the Tribunal by the Soviet Prosecution.

The contents of the document leave no doubts first, as to the facts of the active SD participation in the preparation and realization of the criminal plans of aggression, and secondly in the fact that it was specifically the SD that both initiated and organized the Einsatzgruppen.

I have some excerpts from this document, but I will skip them.

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The whole territory of Czechoslovakia, in accordance with the territorial structure of the SD in Germany, was, beforehand separated into important (Oberabschnitt) and small (Unterabschnitt) territorial units, and for each of those, special Einsatzgruppe and Einsatzkommandos were prepared and staffed accordingly. In the text of the document we can read that a system of Oberabschnitte for Prague, Bohemia, Moravia, Silesia, Bachtelle, and others, was prepared and planned.

The staffing of the Einsatzgruppe and Einsazkommandos was entirely a matter of the SD. In the text of the document we can read in this connection: "the staffing of the SD agencies could be conducted in consideration of the following:

1. the requirements of the SD itself. 2. the requirements of economy."

An entire program for training members of the Einstzgruppe recruited from collaborators in foreign countries and Sudet-Germans was prepared. The utilization of "suitable persons" of German origin living in Czechoslovakia was equally foreseen, and special mention was made of the point that: "one must consider that in spite of all precautionary measures we will not have many such people at our disposal as under certain conditions a considerable number will be arrested, deported or killed."

The Einsatzgruppe organized and prepared in German territory were to be concentrated near the German-Czechoslovakian border in order to move into Czechoslovakian territory jointly with the invading armies. In this connection the document says:

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"As soon as any district is free from the enemy, that is, when occupied, the allocated groups are immediately sent to the district administration center".

The compiling of the index cards is extremely important because it deals with the killing of people in the territories temporarily occupied by the Germans, and that was the immediate function of the SD.

We have to pay special attention to the fact that the SD members specially attached to the Einsatzgruppe had to establish liaison with the Unite of the armed SS forces. They hhd to establish these lists, and the collaborators of the SD prepared who were to be eliminated for some reason or other. This was done in conformance with special directives.

Appendix number 2 to Operational Order Number 8 of the Chief of the Security Police of the SD, dated 17 July 1941, said: Long before we beginning of the war against the Soviet Union the security service had compiled the "German Research Book", "Lists of the addresses", and a "special Research Book for the USSR", where all the names of "Soviet Russians considered as dangerous" are entered.

We know from the same instructions of Heydrich what the intentions of the Hilerite criminals in the respect to those "dangerous Russians" were.

All of them, and without any judicial sentence whatsoever, were to be exterminated by the Sondercommandos in conformity with instructions # 8 and # 14 of the main office of the Reich dated the 17 of July and 29 October 1941.

The same criminal task was accomplished by the SD before the invasion of Yugoslavia. The Soviet prosecution presented to the Tribunal a "Research Book" prepared by the so-called German Balkan institute: "Sued-Ostdeutsches Institut", pertaining to the SD. This book contained the names of over 4000 Yugoslav citizens who were to be arrested immediately after the invasion of Yugoslavia. This book, which was prepared by the SD, was transmitted to the executive police, i.e. the Gestapo, which was to operate these arrests.

This book was found in the registry office of the Gestapo at Maribor and bore the following stamp made by a member of the SD: "The persons mentioned in the text are to be arrested and the RSHA is to be informed immediately about the completion of the assignment".

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This institute of the SD carried on a special and undermining activity by preparing the fifth column in Yugoslavia. A member of the SD, the dean of the Graz university, Hermann Ibler, prepared in connection with this a special work entitled "Des Reiches Suedgrenze" which bears the stamp "strictly secret" and includes a list of the fifth column agents in Yugoslavia.

It was the SD who was occasioning political provocation abroad. The former Chief of the Security Police and SD, Kaltenbrunner, had to confess to that when interrogated by the representative of the Soviet prosecution. He couldn't even deny his signature on the letter to Ribbentrop, concerning the allocation by the Ministry for Foreign Affairs of one million tumans for bribing the voters in Iran.

The SD members understood perfectly the part assigned to them in the occupied territories in the realization of the inhuman plans of the Hitlerites concerning the extermination of the enslaved nations. From this point of view a German document, captured by the units of the Polish Army in the building of the SD, at Mogilno (Poland), and presented to the Tribunal by the Soviet prosectuion, is most characteristic.

In this letter addressed to the agents of the SD, a certain Blockstelle Hauptsturmfuehrer SS informs them of Himmler's speech of 15 March 1940 in which the latter requested the Commanders of the concentration camps situated in Poland to first utilize the qualified Polish workers in the militaery industry of the concentration camps, and later to exterminate all those Poles. This Hauptsturmfuehrer SS from Mogilno requested, therefore, all his trusted agents of the SD to prepare the lists of the Poles they considered as dangerous in order to exterminate them later on.

The SD was one of the most important links in the inhuman police machinery of the SS and German Fascism. It was an organization of soving and information spread over the whole territory of the "old Reich", as well as throughout all of the temporarily occupied areas and countries. At certain moments the members of SD initiated the most cruel police measures of the Hitlerites.

For this reason, the Soviet prosecution, supported by irrefutable evidence, consider that the whole system of the SD is to be declared criminal.

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THE GENERAL STAFF AND THE HIGH COMMAND OF THE ARMED FORCES

In the course of the present trial, there have been many attempts on the part of several of the defendants, the defense attorneys, and those witnesses for the defense who were generals in Hitlerite Germany, to represent both the German High Command and the General Staff as organizations whose activities were guided by the sole principle of " fulfilling their soldierly duty."

The higher echolons of the German war machine, according to this consept, far removed from criminal politics of the Hitler government, took no part in political decisions and confined themselves entirely to the fulfillment of orders emanating from the Commander-in-Chief and dealing with purely military matters.

Opinion was expressed to the effect that the German General Staff, in view of the nature of the military structure then existin in Hitler Germany, was no more and no less than an auziliary organization dealing with purely technical matters.

Finally, attempts were made, and not once, which is also quite understandable, to represendt the Army High Command as something quite distinct and not having anything in common with the activity of the German police organization and of the SS.

Practically every student of European politics after the First World War knows that the generals and officers of the Kaiser's army were only too ready to repeat the game that they had once lost.

For the German military defeat they blamed everything and everybody -- except themselves. Meanwhile they worked on creating undercover military organizations, dreamed of revenge, and appeared prepared to offer their honor and their swords to any political adventurer who would not stop before starting another world war. It was amidst this type of new " tradition" that there grew up in Germany the present officer generation. And neither was it accident that the future leader of this generation, Adolf Hitler, made his political entrance out of nowhere with the moral and financial

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support of the Reichswehr.

With few exceptions, it was the military caste that gave Hitler support, and when he seized power, rearmament began almost immediately. The haughty Prussian Generals bowed to Hitler, the corporal, because they knew that Hitler meant war.

Fieldmarshals Brauchitsch, Milch, Manstein, and others arrived here under the Allied guard to give false testimony of their own positions to the International Military Tribunal.

And so we saw a peculiar spectacle. Wolves became sheep. I do not know just what kind of naive people they expected to find here, Brauchitsch particularly, when he presented himself here as a confirmed pacifist. If we allow ourselves to believe him, we would then also have to beliefe that he, the Commander-in-Chief of the German Land Forces, knew nothing whatever of Germany's aggressive plans, nothing of the coming invasions of Austria and Czechoslovakia, but was persistantly and continuously persuading Hitler not to fight.

I shall allow myself to stop only briefly on evidence disapproving the ricks and the maneuvers of defense whose main aim has been to masque and diminish the scope of the criminal activity of the high German military organs.

Crimes Against Humanity :

Evideence submitted to the Tribunal proves beyond doubt that both the General Staff and the OKW were fully informed of the criminal intentions for aggression on the part of the Hitlerite Government, that they shared these plans, and participated actively in both their preparation and their realization.

The aggressive anti-social plans of the Hitler conspiration became known to every German as soon as Hitler's " Mein Kampf " appeared. These were widely propagandiesed and publicised from day to day and month to month.

These plans received immediate recognition from the German military leaders who subsequently put both their experience and their knowledge at the service of the Hitlerite state.

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I do not plan, however, to delve deep into the history of the Hitlerite state and its military machine to prove just when and how the subsequent criminal activity of the leading German military organs began.

I want to mention only that evidenne which refers to the beginning of the war.

Already on the 23 of May, 1939, at the staff meeting takin place in the new Reich Chancellery, Hitler said to his top military leaders :

" Danzig is not the point. What I am talking about is the expansion of our " Lebensraum " to the East. Thus the question of whether Poland is to be spared automatically disappears and there remains only the decision to attack Poland at the first opportunity".

While expounding his military and political plans to his senior officers and generals at the staff meeting of August 22, 1939, in Obersalzberg, Hitler statet :

" In the first place there is the annihilation of Poland. If there also will be war in the West, then the primary task is to destroy Poland. I sahll provide some excuse for beginning the war which will serve propaganda purposes, whether it is true or not is unimportant."

At the conference of the commanders-in-chief which took place on the 23 of November, 1939, Hitler stated as follows while talking to his closest military adisors :

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"Basically I did not organize the armed forced in order not to strike. The descision to strike was always in me. Earlier or later I wanted to solve the problem. The situation is necessarily such that at least for the moment action in the East is out of question."

Is this not evidence that Hitler made not secret of this criminal plans, so far as his top military officials were concerned ?

Even more convincing in this respect are the operationel papers of the German Command which quite cynically describe the criminal aims of aggression on the part of the Hitler government.

In Hitler's directive of 30 May 1938, dealing with the execution of the plan "Gruen" for the invasion of Czechoslovakia, it is stated:

"It is my unalterable decision to smash Czechoslovakia by military action in the near future.

From a military as well as a political standpoint the most favorable course is a lightning-swift action as the result of an incident through which Germany is provoked in an unbearable way and for which at least part of the world opinion will grant the moral justification of military action."

Or there is also the directive of the 27 of March 1941, regarding the invasion of Yugoslavia which provides that:

"Even if Yugoslavia will declare its loyalty to us, we should still consider her an enemy and subsequently beat her down at the first opportunity."

This cynial frankness reaches a climax in the German operational material dealing with plans for attacking the Soviet Union.

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In the directive of the OKW of 13 March 1941, with regard to "special regions" long before the attack on the Soviet Union, it was stated.

"The Russian territory which is to be occupied shall be divided up into individual states with governments of their own, according to special orders, as soon as military operations are concluded."

In the "instructions on the use of propaganda in the Barbarossa region" published by the OKW in June 1941, it was foreseen that "for the time being it is not suitable that the aims of our propaganda should be the dismemberment of the Soviet Union."

Finally, document Nr.21 dated 18 December 1940, known under the code "Plan Barbarossa", stated:

"The final aim of the operation is to fence oneself off from Asiatic Russia following a gereral line Archangelsk-Volga."

The former Fieldmarshal of the German army Friedirhc Paulus gave the Tribunal an exhaustive explanation of this "final aim" prsued by Hitlerite Germany in its war against the Soviet Union, and which was know to the entire High Command of the German armed forces.

No less convincing evidence on this matter was given to the Tribunal by my American colleague, who presented an order of Fieldmarsha von Manstein, former commander of the XI German army. In this order, von Manstein, giving an account on the politicial aims of the war agains the Soviet Union in accordance with Hitler's instructions, informs his subordinates in a non-equivocalmanner that the aim of the attack on the Soviet Unionis the destruction of the political system of its government

It is strange therefore to hear now statement of the Hitlerite General von Manstein that he was only a soldier, who was not informed of the policy of the Hitler government.

This order not only shows that the generals were acquainted with the political aims of the war but also that they approved them.

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And it could not be otherwise. What could Hitler and his clique have done if the military specialists, the generals of the German army did not approve his plans.

B. The direct participation of the German General Staff in this crime.

A specific structure in the military apparatus really existed in Hitlerite Germany. Simultaneously with the OKW functioned the General Staff of the land forces, as well as staffs of the air forces and naval forces.

The staffs of individual services worked out those parts of the general aggressive plans of Hitlerite Germany, which were in the sphere of their competence, and the OKW coordinated and combined this work.

In as much as the decisive part of the realization of the aggressive plans lay upon the land forces, with their numerous and powerful armored forces, the outstanding position in the preparation of aggressive measures of the Hitlerite Government was naturally held by the German General Staff.

Therefore, the existing structure of the military apparatus of Germany by no means excluded, but on the contrary foresaw in the elaboration, preparation and execution of the criminal aggressive plans of the Hitlerite Government, a most active role of the General Staff.

So as to characterize the practical role of the German General Staff in the elaboration and preparation of the aggressive plans of Germany, I shall refer to some facts:

I shall quote again the statement of Field-Marshal Friedrich Paulus which he confirmed in this Tribunal.

Paulus stated: "When on September 3, 1940 I took office in the OKH, among other plans, I found there a still incompleted preliminary plan of the attack on the Soviet Union, known under the conventional name of "Barbarossa".

The working out of the preliminary "Barbarossa" plan began in August 1940 and ended by the carrying out of two military maneuvers (Kriegsspiele) at the Headquarters of the OKH at Zessen.

Is it not clear now to anyone that the German General Staff, as well as the OKW, were the creators of the criminal "Barbarossa" plan.

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All of these have now acquired a common meaning.

These criminal orders as some of the witnesses, such as von Brauchitsch and von Manstein, tried to establish here, did not remain only on paper. They were enforced with German punctuality.

The Tribunal has listened to the testimony of the witness, the former Major General of the Medical Service of the German army, Walter Schreiber. Schreiber, who is a bacteriological specialist told us of the plans of the Hitlerite conspirators to use as a weapon, the death dealing plague bacilla as a weapon in the war. He informed us how this crime inspired by the German High Command, the General Staff and by the defendants Hermann Goering and Wilhelm Keitel was conceived and realized.

Only the advance of the Red Army troops towards the frontiers of Germany prevented this criminal plan of the Hitlerite clique, the realization of which would have threatened the whole of Europe with new and dire calamities and devastation."

And it was not without purpose that special attention was given the establishment of a connection between the military apparatus Hitlerite Germany and other German State organizations.

The OKW was represented in many German Ministries by so-called liaison officers, and at the same time many ministries had their representatives in the OKW.

Such a connection especially existed between the activities of the German military and civil authorities in the occupied territories.

But if confronted with the proofs, the Hitlerite military leaders are obliged to acknowledge their connection, for instance with the Minister of Foreign Affairs or the Ministry of the Occupied Territories in the East, they flatly refuse to admit their connection with the German State police and the SS.

This is easy to conceive. The fact alone of such a connection would disclose their participation in numerous crimes in the occupied territories.

Therefore I consider myself obliged to prove the existence of a criminal connection of the German military command and the German Secret State Police with other police agencies.

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A role not less active, is the preparation of other aggressive plans of Hitlerite Germany, was that of the German General Staff.

There can be no doubts that in the elaboration of the criminal aggressive plans, the German General Staff, as well as the OKW, played a decisive role.

C. Military crimes and crimes against humanity.

The German armed forces and their military leaders perpetrated, independently or in cooperation with the German police agencies, innumerable crimes in the occupied territories.

A simple enumeration of documentary evidence disclosing crimes perpetrated by the German-Fascist usurpers in the occupied territories would need too much time.

Therefore I shall refer only to separate evidence which proves that the military crimes and crimes against humanity were systematically perpetrated by the German armed forces on a mass scale, and were organized beforehand and involved all ranks of the German war machine -- from field-marshal to private.

Itwould be sufficient to recall the instruction of the defendant Keitel of May 13, 1941, "of the application of military cognizance in the 'Barbarossa' region and the special actions of the troops", which receivedorders to apply "the most drastic measures", in view of which the German officers had the right to execute without trial, and by which an impunity was established for crimes committed by German military personnel against the peaceful population.

Or the instruction of the same defendant Keitel of September 16, 1941, by which he ordered the German troops "to have in view that in the countries which are concerned, human life has absolutely no value and that an intimidating action is only possible by use of unusual cruelty".

The following orders of the OKW may also be recalled concerning the extermination of Soviet commissars taken as prisoners of war, of the branding of Soviet prisoners of war, as well as the orders of the defendant Goering on the extermination of captured allied pilots, of the plundering of occupied territories and the slave deportation of peaceful population to Germany, the order of the defendant Doenitz forbidding to save men from sinking vessels, the order of the former Field-Marshal Reichenau "On the conduct of troops in the East" and many others.

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This connection arose long before the attack of the Soviet Union by Hitlerite Germany.

In the instruction on "special regions", issued by the OKW on March 13, 1941, and signed by the defendant Keitel, the necessity was foreseen of coordinating the activities of the SS Reichsfuehrer and the army command in the occupied territories. The witnesses Walter Schellenberg and Otto Ohlendorf, former chiefs of the Reich Security Head Office stated in their evidence at this Trial, that already in May 1941 an agreement was concluded between quartermaster general Wagner, representative of the OKH, and Heydrich chief of the Security Police and of the SD, for the execution of instructions of the OKW, which foresaw in the German armed forces the organization and for of activity of Special Security Police "action-groups" and SD.

During the cross-examination at the trial of the witness von Brauchitsch, the latter confirmed that he knew of such appropriate talks between Wagner and Heydrich.

The presence and character of the activity of the Security Police action-groups and SD in the German armed forces is confirmed by several documental evidences.

In the report of October 15, 1941 of the Security Police action-group A, it is stated:

> "Our task was to establish personal contact with the commanders of the Armies and with the commander of the army of the rear area. It must be stressed from the beginning that cooperation with the Armed Forces was generally good, in some cases for instance with Panzer-Group 4 under Col.Gen.Hoeppner, it was very close, almost cordial."

And further:

> "At the start of the Eastern Campaign it became obvious with regard to the Security Police that its special work had to be done not only in the rear areas, but also in the areas of the front."

The letter of November 1941 of the General Commissar for Bielorussia, the henchman Kube, in which even he expresses indignation against the criminal activities of the police in the town of Sloutsk, it is apparent that the second police battalion, which shot masses of Jews in the town, was directly

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subordinated to the military command.

A sanguinary trail leads from the orders of Goering, Doenitz, Jodl, Keitel, from the criminal agreements of Wagner and Heydrich, from the orders of Reichenau and Manstein, to the innumerable crimes of the German troops and the action-groups of the Security Police in the occupied territories.

The blood of millions of innocent victims stain the hands not only of the German soldier Knittel and Obergefreiter Kurt but also those of the Field-Marshals of the German army.

The Hitlerite war machine was headed by the High Command of the Armed Forces and the German General Staff, was the decisive force, with the aid of which were plotted and carried out all the criminal aggressive plans of the Hitlerite Government, all the war crimes and the crimes against humanity.

The German High Command and the German General Staff were therefore one of the most important organizations for the execution of the criminal conspiracy of the Hitlerite clique, and the higher military authorities of the German armed forces were active participants of this conspiracy.

As a result of the present proceedings I consider that the criminal character of this military organization is fully proved.

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Government/Reich Cabinet

I pass on to the last of the organizations indicted as criminal to the Reichscabinet which occupied a particularly prominent position in the system of the fascist dictatorship.

Appendix "C" to the Indictment includes a detailed enumeration of the personalities who made up the government and who, for this reason, are held responsible for the perpetration of the Hitlerite crimes which are specified in counts one, two, three and four of the Indictment.

During nine months the Tribunal has examined the evidence upon the monstrous crimes of the Nazis. We have heard here of the crimes of the police and of the Wehrmacht, of the SS and of the Gestapo, of the Reichs-Gauleiters and of the Reichs-Commissars in the occupied territories, of various Fuehrers and Leiters. And we can most categorically declare that the homogeneity and systematic organization of the crimes, the uniformity of the means and measures used to commit them testify to the fact that these crimes were directed by and carried out on the directives of a single issuing center. These innumerable and varied crimes are traced back to the gang of fascist conspirators and to the criminal Hitlerite government.

Seen in this light, the declarations of the Counsel for the Defense and of the defendants to the effect that, under Hitler, the Council of Ministers was a mere technical apparatus deprived of any real power, are completely unconvincing. Actually not only did the ministers decide themselves all questions coming within their jurisdiction, but they were at the same time the executors of Hitler's will. It is also true that it was Hitler who made the final decision pertaining to all official and unofficial discussions and meetings. At the same time, however, one cannot forget the fact that not a single minister in any other government enjoyed such independence in deciding questions coming within his jurisdiction as did the ministers of the Hitlerite government. Every single one of them was a fuehrer in his particular field, and by his advice, by the material presented, by drafts of laws and directives wielded a most tangible influence over all decisions taken by Hitler in connection with questions concerning the activity of several departments. Then again, one cannot discount the fact that Hitler's

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will fully corresponded to the personal points of view and convictions of his ministers. They were necessary to Hitler just as much as he was necessar to them. Goering, Frick, Rosenberg, Neurath, Speer, Funk and others are inconceivable without Hitler just asHitler is inconceivable without them. Under Hitler's leadership they actively participated in the planning of the fascist conspiracy, and every one of them, enacting the role allotted to him in the general criminal plan which defined the activity of literally all the departments, wittingly and actively carried out that plan.

As they were the leaders of all the corresponding central departments of Hitlerite Germany - of Finance, Economics, Justice, Communications, etc. - they held in their hands, from 1933 to 1945, full legislative, executive, administrative and political powers. And they used this power in order to put into effect the criminal plans for seizing foreign territories, for annihilating races and peoples and for establishing a world domination. And in order to facilitate this execution of these criminal plans they first of all seized the power over the German people and the German State, and supported this power by draconic measures.

The wave of fascist terror swept over entire Germany even before Hitler's accession to power and stiffened conspicuously after Hitler became Chancellor in 1933 and when the Defendants Frick, Papen and Von Neurath became ministers in the Reich's Government. Taking advantage of their presence in the government, these fascist ministers fully legalized the terror wrought by the shock units of the Nazi Party and prepared the coming seizure of power, using to achieve this aim the burning down of the Reichstag, which had been organized by the Defendant Goering.

Immediately after the seizure of power by the Fascist - on the 24th March 1933 a law was issued "on the Defense of the People and the State", giving legislative power to the Reich Government in addition to the Reichstag.

On May 26, 1933, the Reich Government issues the decree on the confiscation of prpperty of the communist organization, and starting from June 14 of the same year the property of the social-democratic organization is confiscated as well. On December 1, 1933, the criminal Reich Government

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published, the law "on safeguarding the unity off the Party and the Government" which bore the signature of Hitler and of the Defendant Frick.

Pursuing the liquidation of the democratic institutions, the Reich Government by virtue of the law "upon the Reconstruction of the Reich" of 1933 cancelled all democratic elections in all central and local representative institutions. The Reichstag is changed by the fascist into an institution devoid of any real meaning.

In virtue of the law of the 7th April 1933, and others, all civil servants, amongst them judges, who had been at any time, noticed as having anti-fascist inclinations or who belonged to leftist organizations as well as all Jews, were dismissed from their offices and replaced by fascists. Pursuantly to the "basic principle of German law on Civil Officials" of 26 January 1937 "the bond between a civil servant and the party should be the executor of the will of the national-socialist government, led by the NSDAP."

Completely fascistifying the government machinery in Germany enabled the Hitlerite conspirators to utilize it at a later period as an obedient tool for the perpetration of their criminal plans.

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The Hitlerite Government introduced a number of measures designed to implant fascist ideology and mislead the people of Germany.

On the 1st of May, 1934, the Ministry of Education was create Its function was to educate youth in the spirit of militarism and racial hatred and to make the German youth conceive reality from the distorted viewpoint of fascist dreams.

Similar tasks were allotted to the Reich Youth Leader and to those organizations which were subordinated to him.

The principle of personal inviolability and the freedom of the press and of the speech were abolished.

Also abolished were the free trade unions, their property confiscated, and the majority of their leaders jailed.

In order to supress by terror every kind of resistance the Government founded the Gestapo and the concentration camps. Hundreds of thousands were arrested and destroyed without any trial or concrete evidence, merely on the suspicion of having anti-fascist tendencies.

Defense is attempting to prove that members of the Government did not participate in the issuance of the shameful Nurnberg laws and in the racial discrimination against the Jews. Nevertheless there were special instructions to two members of the Reichsregierung in the Nurnberg Laws, namely Hess and Frick, to elaborate and promulgate additional decrees implementing the laws. And such decrees were elaborated and promulgated by Hess and Frick.

The same Frick, together with Funk, and acting on Goering's instructions, issued on the 3rd of December, 1938, a decree concerning "the liquidation of Jewish property" as well as a series of others.

In any state the Government is usually fully responsible for all the laws promulgated during the period when this particular government was in power.

The Tribunal had opportunity to analyze in detail the whole

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activity of the Hitlerite Government directed at the preparation and the initiation of aggression. It is not necessary to mention again the invasion of Austria and Czechoslovakia in 1938-39 the attacks on Poland, Yugoslavia, and the Soviet Union. Numerous documents submitted to the Tribunal confirm the fact that the Hitlerite Government did everything possible to retain the invaded territories of France, Poland, Czechoslovakia, Yugoslavia, Norway, Poland, Belgium, and other countries as well as the territories of the USSR. It is only because of the powerful blows of the Red Army and the Armies of the Allies that it was impossible for the Fascist conspirators to realize their predatory plans. The activities of the Hitlerite Government had brought on the war which took millions of human lives and caused inestimable losses and immeasurable suffering to other nations.

The Hitlerite Government is also responsible for all the war crimes and the crimes against humanity committed by the German troops and the German authorities during the war. The great amount of evidence submitted to the Tribunal proved clearly that Hitlerite Germany prepared itself for the conduct of the most ruthless war in full contempt of the laws and customs of war.

The war crimes and the crimes againts humanity were committed not only agaist the armed forces of the peace loving nations united against fascist aggressors but also against the innocent civilian population. Long before the treacherous aggression against the Soviet Union took place, the Government of Hitlerite Germany carefully laid plans for the monstrous extermination of the most developed regions of the Soviet Union.

The report published by the Extraordinary State Commission concerning the German Fascist Atrocities in Novgrad, Stavropol, Orel, Stalino, Smolensk, Kiev, and other towns, has proved the existance of a carefully planned and intentional program of mass extermination conducted by the German invaders against Soviet prisoners of war and Soviet civilians.

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The defendants, members of Hitlerite Government, have all hypocritically claimed never, until the present trial, to have heard of the monstrous atrocities of the Hitlerites in the concentration camps, or of the savage behavior of the SS men and of the German authorities in the temporarily occupied territories. These claims are thoroughly false.

Every German knew something of these facts. The radio stations of the whole world had broadcast them.

The revolting atrocities committed by the German authorities against the Soviet prisoners-of-war and the peaceful Soviet citizens were brought to the attention of the whole world in the official notes of the People's Commissar for Foreign Affairs of the USSR, W. M. Molotov, on the 25 November 1941 and 27 April 1942. But in spite of the fact that the violation of the most elementary principles of international law and of human morality committed by the German Army and the German authorities were made known to the Reich Government by the above mentioned documents, this criminal violation of the laws and customs of war continued also in 1943 and 1945. It is clear therefore, that all these crimes were committed with full knowledge and on the direct instructions of the Hitlerite Government.

Did not Rosenberg receive a service note from Lammers mentioning that the convention of Geneva is not valid for Soviet prisoners of war?

Was a circular of the Party Chancellery signed by the defendant Bormann and including instructions on the cruel treatment and mockery to be reserved for the Soviet prisoners of war not distributed to the ministers?

Were the Ministry of the Interior, the Reich Security Head Office, the Gestapo, the prisons and the concentration camps, not offices and organizations of the German Government?

The Government must fully bear the responsibility for the atrocities committed by these fascist governmental organizations.

The members of Hitler's government tried by every possible

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device to separate themselves from the SS men, but, being exposed, every one presented new [illegible] than the other.

Rosenberg, Neurath, Frick, Ribbentrop and other ministers, were generals of the SS, and that this was no more [illegible], can be seen from the letter of the defendant Ribbentrop to Hitler dated 22 July 1940, which was presented to the Tribunal by the Soviet prosecution.

The Minister Rosenberg was trying to make the Tribunal believe that he did not know anything about the bestial orders of the Minister Himmler.

Actually it was Himmler who on 7 September 1943 directed the Fuehrers of the SS and SD to carry out, jointly with the Military Command, the complete destruction of the areas in Ukraine when he proposed that, and I quote:

"not a human being, not a single head of cattle, not a hundredweight of grain and not a railway line remain behind; that not a house remains standing, not a mine is available which is not destroyed for years to come, that there is not a well which is not poisoned," and recommended that special care be taken to inform the Reich Minister of the occupied territories in the East, Rosenberg, of this order.

On 8 March 1940, the Minister Goering sent to the "highest authorities of the Reich" a criminal directive concerning "the treatment of civilian workers of Polish nationality in the Reich."

The Minister Frank, as he repeatedly mentioned in his diary, received instructions from Goering to send hundreds of thousands of Poles for slavery into Germany.

The Ministers Speer, Sauckel, Rosenberg, Keitel, Funk, Seyss-Inquart and others have been exposed during the trial as having given directives and prepared measures for forced labor of prisoners of war and peaceful inhabitants of the territories seized by the Germans.

It was none other but Minister Rosenberg, who approved the

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measure of Army group " center", concerning the seizure on Soviet territory of 40-50 thousand children between the ages of 10 to 14 and their transfer to Germany. Do not these examples testify to the crimes committed by Hitler's Government?

It is established by documentary evidence that the carefully organized plunder of the territories seized by the Germans, was carried out in conformity with official directives and instructions of the Hitlerite Government and of its individual members. The directive of Minister Goering concerning the planned plunder of the occupied Soviet territories (the so-called "Goering's Green File"), the activities of the looting "Einsatzstab" and "units of special purpose", the activities of the Ministers Rosenberg and Ribbentrop concerning the plunder of cultural treasures and monuments of art, as well as the activities of the Ministers Funk and Speer, is not all this sufficient to conclude about the participation of Hitler's Government in the plunder of the territories occupied by the Germans?

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The Government of the German Reich is responsible, therefore, for the plunder of the public, private and communal property, and for the destruction and looting of cultural treasures in the occupied territories. In the USSR alone the material damages amount to 679 billion rubles.

The members of the Reich Government bear the responsibility for the forced germanization of areas seized by the Germans. It is the Reich ministers Goering, Frick, Hess and Lammers who have signed the decree incorporating into Germany the four western provinces of Poland.

It was none other than Frick who in his instruction to Gauleiter Rainer stated, and I quote:

" ... Your principal task will be to include into the German Reich the entire new areas of Yugoslav Corinthia and Kraina ... Because without the setting up of a "German wall" any administrative building, as good as it may be, will sooner or later fall down... Your task, comrade Rainer, is to make this district entirely German ..."

So as to get a picture of this bandit Government it is sufficient for us to recall the agreement between the Ministers Ribbentrop and Himmler concerning the organization of the intelligence services abroad, the Himmler-Bormann agreement with Minister of Justice von Schirach on 18 September 1942 concerning the special mass police measures for the extermination of Jews, Gypsies, Russians, Ukrainians, Poles and Czechs, who allegedly were anti-social elements; the letter of Minister Lammers of 4 June 1944, addressed to Minister von Schirach regarding the non-prosecution of the authors of murders of shot down Allied airmen; the letter of Minister Keitel to the Minister of Foreign Affairs concerning treatment to be given to Allied airmen.

On 4 February 1938, Hitler formed a Secret Cabinet Council, indicating its purpose in these words: "I am establishing this Secret Council to advise me in questions of foreign policy."

Hitler appointed Neurath chairman of this Secret Council and as members Ribbentrop, Goering, Hess, Goebbels, Lammers, Brauchitsch, Raeder and Keitel.

On 21 May 1935 Hitler created the Council for the Defense of the Reich.

On 30 August 1939, Hitler reorganized the Council for the Defense of the Reich into the Council of Ministers for the Defense of the German Reich. He appointed Goering chairman of this Council and as members the Ministers

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Hess, Frick, Funk, Keitel and Lammers.

On the meeting of 23 July 1939 the chairman of this council, Goering, emphasized that "the Council for the Defense of the Reich is the deciding organization in the Reich on questions connected with the preparation of war", and that "the Council for the Defense of the Reich will convene in order to take all the more important decision."

It was not the defense, but the aggression, the preparation for aggressive wars which were the tasks of this Council. In the preparation of the war participated not only the members of the Council for the Defense of the Reich, but all other ministers as well.

At the meeting of this council of 23 July 1939, were present together with Goering, Funk, Frick, Himmler, Keitel and Lammers, the ministers Schwerin von Krossigk, Dorpmueller, and others.

At this meeting was discussed and planned not only the utilization in the war industry of prisoners of war and of the population of the occupied territories, but the utilization of internees and even the number of internees in war time were discussed as well.

In the minutes of this meeting it is stated: "the General Plenipotentiary for Economy, that is Funk, has to define the task which is to be executed by the prisoners of war as well as by the person confined in prisons, concentration camps, etc."

According to information of the Reichsfuehrer SS, there will be a great number of people in the concentration camps during the war. According to preliminary data 20,000 prisoners will be employed in the concentration camp workshops.

Subjects discussed at the meeting also included directions on the collaboration of the OKW and the General Plenipotentiary for Economy of 3 May 1939 concerning plans for the war economy; and the plans of total warfare. There were also special reports from the Chief of Section IV, of the General Staff, Gerke, and from the Minister of Transport, Dorpmueller.

Were all members of the Reich Government informed of these decisions?

Certainly, and it is clear even from the list of addresses to which the minutes of the meeting of the 23 June 1939 were sent. The minutes of th

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meeting of the Council for the Defense, of the Reich were sent to Deputy Fuehrer, to the Chief of the Reich Chancellery, to the Chairman of the Secret Council of Ministers, to the Plenipotentiary for the Four-Year Plan, and to the Ministers of Foreign affairs, Justice, Interior, Education, Economy, Church and Religion, Food and Agriculture, Labor, Finance, Communication, Postal service, Director of the Reichsbank, etc. The very fact that the majority of the members of the Reich Government are defendants in the present trial says a great deal about the nature of the organization here discussed.

I consider, therefore, that the responsibility of the German Hitlerite Government for the heaviest crimes here mentioned is fully proven and that the Reich Cabinet should therefore be declared a criminal organization.

Your Honors! In order to carry out their plotted crimes, the heads of the Fascist conspiracy created a system of criminal organisations which have been the subject of my statement here.

Those who had made it their aim to dominate the world and to exterminat whole nations, are now awaiting with trepidation the coming verdict of the court.

This verdict does not only affect the defendants in the dock, the initiators of these sanguine Fascist "ideas", the main organizers of the crimes of Hitlerism.

Your verdict has to condemn the whole criminal system of German Fascism, the complicated and widely ramified network of party, government SS, military organizations which were the means of realizing these vile premeditations of the chief conspirators.

Mankind has already pronounced its verdict on German Fascism in the battlefields.

The fire of the greatest battles known to the history of mankind, fought by the heroic Red Army and the valiant armies of the Allied Forces has not only destroyed the hordes of the Hitlerites but it has determined the sublime and noble principles of international cooperation, morality of mankind, the humane rules of social community.

The Prosecution has fulfilled its duty towards the supreme Tribunal towards the serene memory of the innocent victims, towards the conscience

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of the nations, as well as towards their own conscience.

May the Judgement of the Nations - severe but just - fall upon these Fascist hangmen.

THE PRESIDENT: The Tribunal will adjourn until 10:00 o'clock tomorrow morning.

(The Tribunal adjourned until 31 August 1946, at 10:00 hours.)